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IDEAS ON LIBERTY

Ezekiel's Job

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SEPTEMBER 1990

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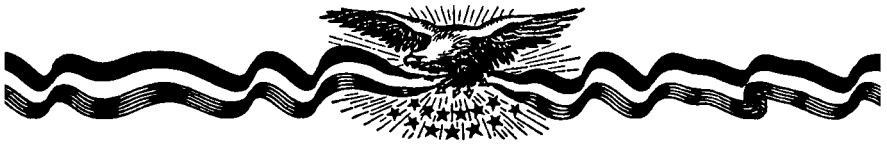

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Cover: "Ezekial Prophesying," by Gustave Doré. © Dover Publications.

PERSPECTIVE

Oil Spills

The *Exxon Valdez* in Alaska spilled over 10 million gallons of oil into the ocean. This was the third largest oil spill in history. In 1978 the *Amoco Cadiz* spilled 68 million gallons, and the largest spill was on the Yucatán in Mexico where an offshore oil rig spilled 155 million gallons of oil. But these are only the tip of the iceberg. For every gigantic oil spill, there are dozens of smaller spills of 10,000 gallons or more. These spills provide great danger to the shore line and to marine life. Concerned environmentalists often charge that the market has failed and we need more government intervention.

I think the causes are very different. First of all, in the case of the *Exxon Valdez*, the proximate cause was the fact that the captain allegedly was drunk and was in his cabin while the third mate, who wasn't qualified to operate in those waters, was piloting the ship when it went aground. You might ask yourself why Exxon didn't take greater care to be sure that an alcoholic wasn't given such an important task. What economic incentive did this firm have to act so irresponsibly? Is Exxon run by people who don't care—even about the bottom line? Certainly not. One of the problems is that in the U.S., and increasingly in Canada as well, there are laws against firing people who are handicapped. Alcoholism has been declared a handicap. So if we want to lay blame on someone, let us not look to Exxon. A large share of the blame belongs to these unwise legislative enactments which make it very difficult to fire people who are identified as handicapped.

There are other problems as well. The liability of companies who spill oil into the ocean is limited to the value of the cargo and the ship. This doesn't make any sense. You would think that in any rational set of laws the liability would be limited to the damages. Perhaps one of the reasons Exxon didn't double-hull its ships is because the liability was limited artificially by unwise laws. Another aspect of the problem is that fishermen have no standing to sue because they are not deemed to be the owners of the fish, even though they certainly are financially victimized by oil spills.

I am not saying that if we had a legal system more consonant with free enterprise principles there would be no oil spills. The market is not a

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guaranteed cure for everything. As long as there are human beings involved, there will be mistakes. But certainly, were we allowed to use market principles to help safeguard ecological systems, our society would be a lot better off than under the present system where we are not.

—WALTER BLOCK
The Fraser Institute
Vancouver, Canada

(*Note*: Please see p. 359 for a review of *Economics and the Environment: A Reconciliation*, edited by Walter Block.)

Homelessness

Rent controls, building restrictions, zoning, artificially restricted and high-priced labor all contribute to the problem of the homeless. Anything that discourages building, imposes rules and regulations to make housing more expensive, plays a role. For instance, the village where I live just denied a builder's request to subdivide a large tract of land and construct 89 new homes; he will be permitted to erect only 59. On that account, 30 families who would have bought houses in this village will not be able to do so.

If these 30 families had not been deprived of the opportunity to move to new and better housing, they would have offered their present homes on the market, making them available to others who could afford only secondhand housing. As 30 other slightly less affluent families then moved up to those 30 somewhat better homes, *their* homes would become available. And so on down the line. At some stage in the process, 30 residential units, vacated by their present occupants, would be converted into smaller apartments or rooming houses for the very poor.

In a free market economy, housing is continually being shuffled in this way from the present occupants to would-be homeowners and tenants across the entire economic spectrum. In time, even the demands of the very poor are met. When government interferences raise the cost of construction, this process is hampered. The poor who are the least able to pay for housing are the ones who suffer the most.

—BETTINA BIEN GREAVES

Farm Subsidies

Farm subsidies—roughly $25 billion a year in Federal handouts and $10 billion more in higher food prices—are the equivalent of giving every full-time subsidized farmer two new Mercedes-Benz automobiles each year. Annual subsidies for each dairy cow in the United States exceed the per capita income for half the population of the world. With the $260 billion that government and consumers have spent on farm subsidies since 1980, Uncle Sam could have bought every farm, barn, and tractor in 33 states. The average American head of household worked almost one week a year in 1986 and 1987 simply to pay for welfare for fewer than a million farmers.

—JAMES BOVARD
The Farm Fiasco

(*Note:* Mr. Bovard's book is reviewed on pp. 356-357 of this issue.)

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The Census: Eyes of the Intrusive State

by Erik A. Johnson

In 1790, David Howe of Hancock County, Maine, accepted the responsibility for counting the number of people in an area of his state loosely defined by such natural boundaries as foothills, forests, and streams. When he had finished, he posted in several public places his list of the "Whole Number of Persons Counted" (9,549), naming only heads of households and offering as his only statistical analysis the fact that he had included in the enumeration inhabitants of "some isles" not part of "named towns." In a letter to the federal government which accompanied his simple report, Howe opined that he had adequately discharged his duties merely by doing the best possible job under the circumstances.

President Washington would have been quite satisfied with Howe's work on that first Federal census, inasmuch as his own expectations about its scope and accuracy were quite low. Even before the effort was undertaken, Washington had written that "one thing is certain: our real numbers will exceed, greatly, the official returns of them; because the religious scruples of some, would not allow them to give in their lists; the fears of others that it was intended as a foundation of a tax induced them to conceal or diminish theirs; and thro' the indolence of the people, and the negligence of many of the [census-takers] numbers are omitted."

The bicentennial census of 1990, on the other hand, is being administered by bureaucrats who have much higher expectations for its results. By amassing data on farms, factories, commerce, communities, institutions, and individuals, the United States government can better manage the myriad programs which seek to fund and administer the needs of the nation and its people. This, at least, was the message of the massive national advertising campaign of early 1990, which exhorted Americans to fill out census questionnaires with between 13 and 58 more questions than are necessary for a straightforward enumeration.

In 1790, David Howe simply went about counting people, asking only for the names of heads of households and the number of people in them. But in 1990, in addition to requesting basic name and address information, Bureau of the Census interrogatories delved into Americans' mortgages, pregnancies, language proficiency, work habits, intimate relationships, and indoor plumbing, empowered by a Federal law that makes noncompliance punishable by a fine of up to $500. How did the simple census of 1790 evolve into the invasive census of today? How did the elementary "enumeration" of Article I, Section 2, Clause 3 of the

Erik A. Johnson, a writer and publishing consultant in southern California, is the former Managing Editor of The New American *magazine.*

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United States Constitution become the compulsory categorization of today?

An Insider's View of the Census

Despite its big-government bias, Ann Herbert Scott's *Census U.S.A.: Fact Finding for the American People, 1790-1970* (New York: The Seabury Press, 1968) is perhaps the best book on the history of the U.S. census. Scott, who worked as an enumerator in the agricultural census of 1964, acknowledges in her book that the Bureau of the Census provided "working headquarters and enthusiastic assistance" while she was writing *Census U.S.A.* in the late 1960s.

Yet, despite the fact that it often reads like a press release for government "information gathering agencies," *Census U.S.A.* is a well-researched and comprehensive work. Moreover, the book assembles and organizes a great deal of information from many disparate sources. But most important, because it was written by a professional amanuensis for the welfare state, *Census U.S.A.* offers not only historical facts but insight into the way the census is being used to justify expansive government.

At the Constitutional Convention, Scott explains correctly, it was determined after much debate that a single head-count for the purposes of apportioning representatives and direct taxes made the most sense: The states would not be tempted to arrive at a fatter figure for the former and a leaner one for the latter. "It was the practical problem of balancing power—rather than a scientific interest in obtaining statistics on the people—that gave birth to the census," Scott writes. It wasn't long, however, before politicians and bureaucrats began to expand the meaning and the manner of the decennial census to meet the growing "needs" of a growing government.

Throughout the early 1800s, the census increased in scope and complexity. In addition to including information on manufacturing, agriculture, and foreign trade, by the 1840s the census sought to count and categorize the convicts, the deaf and dumb, and the "insane and idiots" in American society. Scott notes that Martin Van Buren, who supervised the 1830 census and later became the nation's eighth President, was an early proponent of a strong executive branch and supported broad governmental investigation of American society through ever more scientific and specific census questions. For the first nine censuses, incidentally, information was collected by U.S. Marshals and their special deputies.

Legislation passed in 1879-80 created a Census Office in the Department of the Interior and took census responsibilities away from the U.S. Marshals. Soon thereafter, 150 "census supervisor" positions were added to the burgeoning Federal bureaucracy and filled by civil servants and political appointees. These supervisors reported to a superintendent appointed by the President, which serves to explain why the census process in the last two decades of the 1800s fell victim to the effects of bureaucratic cronyism and party politics. In 1902, the Bureau of the Census received its present name and permanent status in the Federal bureaucracy.

By the end of the 19th century—about the time that our government began to flex its muscles in the formerly private realms of commerce and industry—the purpose of the census was clearly not enumeration but the collection and analysis of information for central planning. By the first decade of the 20th century—when our once-isolationist nation began to be enamored of its new military strength and the trappings of empire—the once-public listings of "persons counted" had been replaced by secret reports providing much more than population information to a federal government interested in more than simple statistics.

New Deal, New Powers

During the early decades of the 20th century, the Bureau of the Census managed to stake out its bureaucratic turf, justify increased budget allocations, and consolidate power through political alliances. When Franklin Roosevelt brought his interventionist philosophy to Washington in 1932, the Bureau of the Census was ready to provide grist for the mills of the New Deal.

According to Scott in *Census U.S.A.*, Roosevelt began "the peaceful revolution which . . . brought all parts of the federal government under new direction" and managed to convince an extraordinary number of Americans "that the welfare and security of the people [were] the accepted responsibility" of the state. Naturally, the concomitant redistribution of wealth, control of wages and prices, and regulation of business would proceed

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more smoothly with central plans constructed from statistics and analyses supplied by the Bureau of the Census.

Roosevelt's appointee as Director of the Bureau, William Lane Austin, had an address book full of politicos and professors who would soon become plenipotentiaries in his activist agency. For his assistant director, Austin brought in Dr. Stuart Rice, president of the American Statistical Association and a proponent of scientific social engineering. Rice proceeded to increase the number of professional and scientific employees at the Bureau six-fold and initiate additional census studies (called "surveys") between decennial years.

In her chronicle of the Bureau's New Deal years, Scott reports with evident approval the fact that leading populists, progressives, and socialists of the era were pleased with FDR's attempts to hot-wire the engine of capitalism with plans based on "scientific studies"—many of which, of course, were based on census data. Scott admonishes her readers that "the capitalist machine is not automatic . . . man must watch and control it"—then quotes a John Maynard Keynes letter to President Roosevelt in which the economist praises FDR for trying to "mend the evils of our condition by reasoned experiment." Keynes goes on to tell the President that, if the experiments succeed, "new and bolder methods will be tried everywhere, and we may date the first chapter of a new economic era from your accession to office. . . ."

From the end of Roosevelt's reign until Scott wrote her book in the late 1960s, each new Administration had the Bureau of the Census concentrate on three main tasks:

(1) the ongoing modernization of its information systems, which quite literally have metamorphosed from hand-crank adding machines to state-of-the-art computers;

(2) the production of more numerous and more sophisticated abstracts of data in nearly every possible permutation, which can then be provided to businesses for marketing purposes and, naturally, to other agencies of government; and

(3) the efficient integration of requests for new or updated information into decennial censuses and interim surveys.

By the time *Census U.S.A.* was published in 1968, social and economic engineers had already convinced the majority of Americans that big government was here to stay.

Down for the Count

After two centuries and 21 censuses, we've arrived at the clear dividing line between the government's desire (not its right) to know about us and our right (if we so desire) to maintain our privacy, a thin line underscoring the word "compulsion." There is opposition to the compulsory census from all points on America's political spectrum, but there is not yet sufficient support in Congress for remedial legislation. (In 1976, the House of Representatives voted 248 to 140 to abolish all civil and criminal penalties for refusal to answer census questions, but the bill died in the Senate.)

Political figures of such philosophical diversity as conservative Republican Strom Thurmond, 1988 Libertarian Party Presidential candidate Ron Paul, and liberal Democrat George McGovern have spoken out against the compulsory nature of the modern census. McGovern, a man not normally associated with the principles of limited government, summed up well the Constitutionalist ideal of individual liberty vis-à-vis government information gathering: "There may be a legitimate purpose to be served by questions in the census, but I can think of none that surpasses the right of each individual citizen to be secure against government intrusion into his private affairs. Certainly the decision whether to answer inquiring government beyond numerical count should be left to the individual."

The reason that the original few head-count questions of the 1790 enumeration have been lost amid the queries concerning real estate value, employment, and personal lifestyle in the modern census is quite simple: In order for the government to do everything for you, it needs to know everything about you. Sadly, this justification for governmental intrusion into private affairs is accepted today by a majority of Americans of all ages, from both major political parties, in every region of the country.

Two fundamental lessons in liberty emerge from the study of the mutant census:

(1) that a collectivist state, whether democratic or totalitarian, cannot survive without intimate

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"Taking the Census," a drawing from the 1870s.

information about its people with which to design and administer its central plans; and

(2) that the accumulation of such information will inevitably lead a free society into collectivism, as politicians both altruistic and Machiavellian justify regulation, intervention, and social programming for the amelioration of innumerable slights, plights, and injustices, real or imagined.

Over the last 200 years, the U.S. government has accumulated more and more information on the American people and their activities while politicians and special interest groups have used the data to perform social surgeries. But the more they operated on society, the more they wanted to know about the patient. Thus began the vicious cycle: more data leading to more programs, more programs producing more data, which lead to still more programs producing more data, and on and on.

According to the cliché, a little knowledge is a dangerous thing. But in the dossiers of an unrestrained state, a little knowledge is very dangerous, while a lot of knowledge can be downright deadly. With questionable legislation but unquestioned police power behind it, the Bureau of the Census continues to pry into people's lives and add to the federal government's store of knowledge about American citizens. But considering the mounting Congressional opposition to the compulsory census and Americans' increasing awareness of governmental excesses, census bureaucrats might encounter growing resistance as they put the finishing touches on the 1990 study. In fact, they should count on it. □

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What's Happened to Community Spirit?

by James L. Payne

Are people as considerate as they used to be? Drive through any large city and you don't even have to get out of your car to know the answer. You can see the vandalism that has destroyed property, the graffiti that insults the passerby, the litter and trash thoughtlessly thrown, the steel grillwork to check the press of crime. The occasional jogger runs with an attack dog.

What we see in the streets is reflected at other levels of society. Professions that used to be characterized by an ethic of service and self-sacrifice, such as nursing and teaching, are now known for strikes where members abandon their responsibilities for personal gain. Bankers and brokers overlook their fiduciary duties to make personal "killings." Even our top "public servants," the Congressmen, are a national scandal, grasping for higher incomes and benefits at the expense of the community. Today, everybody seems to be reading *Self* magazine.

What can be done about all this selfishness? How can we move toward a society of helpful, caring individuals? Several generations ago, a lot of reform-minded people thought they had the solution. It was government. Government was supposed to amplify our community-oriented impulses in helpful, compassionate programs. Government was supposed to check our self-centered disregard for others and make us behave nicely. Obviously, something is fundamentally wrong with this theory. Over the past century, government helping and correcting programs have multiplied many times over. Yet instead of a society of considerate, sensitive individuals, we have an alarming jungle. What happened?

The answer is that reformers didn't understand government. They overlooked the fact that government is a coercive institution, that it works by using physical force to push people around: guns, billy clubs, handcuffs, and jails. Once you realize that, you begin to see why government action undermines community spirit. Forcing people to do things, even nice things, does not make them nice; it makes them resentful and self-centered.

Suppose your neighbor has a barking dog that is bothering you. If you take a gun and threaten to kill him and his dog, he will probably do something to end the barking. But is he going to feel helpful toward you in the future? If your battery is dead some freezing night, is he going to get out of bed to give you a jump start?

The same principle applies when "society" uses force. Take a simple example. In 1988, the Internal Revenue Service levied 2,153,000 accounts of some 1,133,000 taxpayers. That is, it sent banks and employers letters demanding money belonging to the taxpayer. Employers and banks complied because the IRS threatened to use force against them if they didn't.

How did these million-plus taxpayers feel about this? They went to the bank and discovered that their savings were gone, or their checking account was wiped out and their checks were bouncing. Perhaps the levy was an IRS mistake (there are hundreds of thousands of these), but even if it wasn't, the individual is bound to be angry. Political philosophers may say this seizure process is necessary to enable the government to help the

James L. Payne has taught political science at Yale, Wesleyan, Johns Hopkins, and Texas A&M. He is working on a book on negative effects of tax systems, Hosting the Federal Banquet: The Overhead Cost of Taxation.

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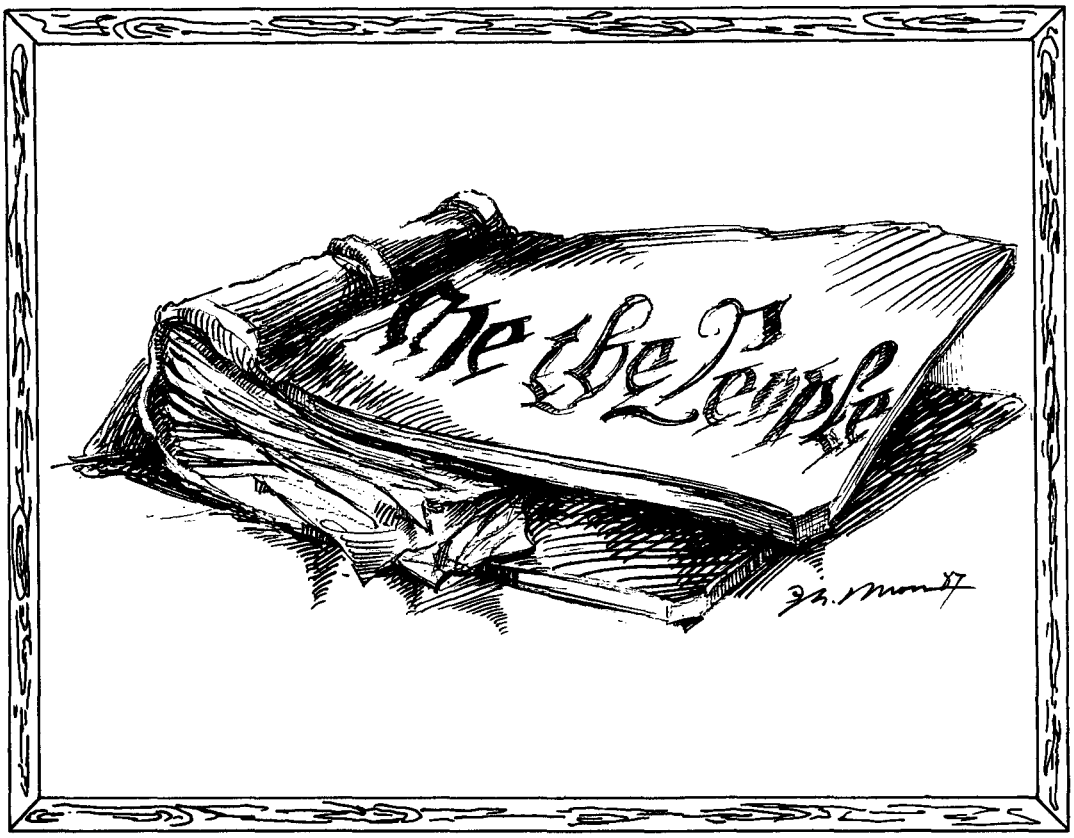

needy, but our taxpayer is not a philosopher. He feels "ripped off," robbed by "society."

What, then, will be his attitude toward "society"? As he drives home, is he going to be patient and courteous toward other drivers? Does he feel that it's his duty to make the world a better place for others? More than likely, he is looking for an opportunity to get back at the impersonal "they" who injured him, by defrauding the phone company, or a department store, or a stranger with whom he does business. And so continues the cycle of selfishness and harm, initiated by the government's use of force.

Federal, state, and local governments are now making wide use of coercion to produce desired behavior in a myriad of activities. Force is being used to dictate hiring and firing decisions. Force is being used to prevent all but officially approved individuals from operating schools, restaurants, bus lines, clinics, beauty salons, and scores of other enterprises. Force is being used, through the government's legal liability system, to enable individuals to pursue real and imagined grievances against businesses, professionals, and neighbors.

Each instance in which force or the threat of force makes someone do what he didn't want to do adds to the cynicism. The individual is increasingly persuaded that he lives in a hostile world and must protect himself. And so he indoctrinates his children, his friends and acquaintances: you've got to watch out for number one. Talk about helpfulness and self-sacrifice is for saps. The message spreads, even to Congressmen.

How to reverse the process? The answer is simple, but many will have to swallow hard to accept it: recognize what government is. Make explicit the fact that government involves the use of physical force. When, for example, Congress takes up the issue of access for the handicapped, don't say, "We should use government to help the handicapped." Say what you mean: "We should use coercion to help the handicapped."

Once we recognize what government really is, it will be easy to notice how we undermine civility by resorting to it. □

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Ezekiel's Job

by Ridgway K. Foley, Jr.

Basic distinctions often prove elusive. Whether by virtue of inattention, human resistance, lack of comprehension, or some indefinable perversity of life, we human beings often fail to grasp and act upon the most central differences both of concept and deed. As a result, all manner of disappointing and disturbing events take place, inasmuch as one misstep at the outset of a journey can foreordain an unexpected destination.

Consider one such essential distinction: personal belief and action premised upon a set moral code versus the coercive imposition of one's moral strictures upon another, unwilling human being. The dissimilarity is fundamental and not particularly obscure; yet, the blurring and commingling of these two very different precepts (and their attendant activities) have vexed men and women across time.

Ezekiel provides insights into this common and perplexing situation. Of course, it is not "with it" to relate modern problems to some old fellow who lived long ago and far away; in the skeptical and intolerant climate of today, so lacking in the civility of open thought, it just does not meet the modern dictates of intellectual exclusivity to refer to the Bible, to Christianity, or to any traditional religion—particularly one with established attitudes of "right" and "wrong." Yet the Book of Ezekiel lays a firm foundation from which all of us, no matter our religious persuasion, may investigate the differences between proper belief and proper respect for the beliefs of others. After all, the essence of the human condition remains unchanged despite the passage of centuries.

Recall the backdrop of history. The Jewish people received the gift of insight into the very marrow of the individual—the ability to choose, to evaluate, and to select among alternatives, and in so doing to affect not only the actor's destiny but also the course of a lineal world history: "... I have set before thee this day life and good, and death and evil. ... I have set before you life and death, blessing and cursing: therefore choose life, that both thou and thy seed shall live. ..." (Deut. 30:15,19)

These ancient men and women displayed the same features and failings as we do. At times they made venal, undesirable, and unwise choices, and as a result suffered the inexorable consequences which flowed from their conduct. As a nation, ancient Israel waxed and waned: Things worked out well when the people adhered to the Decalogue, and bad times followed their evil exploits. God endowed men with freedom, even the freedom to forsake Him and to choose wrongly, for freedom necessarily entails the freedom to fail. Although the ineluctable law of cause-and-consequence foretold unpleasant sequels from inappropriate acts, the Jews of old seemed hell-bent on the eternal folly of trying to beat the house.

Now and then, when the Hebrew nation deviated sufficiently from the proper standard of behavior, God sent a prophet, a man assigned to remind His flock of the rules of the game and to warn them of the inevitable lunacy of trying to avoid responsibility for their wickedness. Sometimes the body politic listened; more often, the people ignored, joshed, or abused the prophet.

Mr. Foley, a partner in Schwabe, Williamson and Wyatt, practices law in Portland, Oregon.

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Enter Ezekiel

Ezekiel was one of the major prophets, a chap God called forth 26 centuries ago during one of those troubled times for Israel. Prophets were role players; they were given a part to play without a thought of the consequences. They spoke to largely hostile audiences. They faced uncomfortable, and sometimes dangerous, situations. They forsook popularity, credibility, status, and wealth. In return, they knew that somewhere, somehow, a dutiful Remnant[1] would hear and heed the words they uttered as God's intermediary.[2] Ezekiel fit right into this tapestry of history and role of prophet. God instructed him and he, in turn, carried the message to those of the multitude who chose to listen. And, it is that critical message recorded in Ezekiel 33:1-11 which edifies us specifically as to the dichotomy between personal commitment and coerced orthodoxy.

Ezekiel 33:1-11 imparts threefold tidings. First, God tells His people "I have sent thee a watchman" (Ezek. 33:7) and He outlines the obligations of the watchman. Second, He advises the Remnant of the duties laid upon those who hear His watchman. Third—and most saliently for our present purpose—He answers the ageless inquiry of the listeners, "How should we then live?" (Ezek. 33:10)

How should we then live? Distinguish between the encompassed relativism of a humanistic "man is the measure of all things" precept and an understanding that imperfect individuals will profess different beliefs. It is one thing to ascertain for oneself how the moral life is to be lived; it is quite another matter to impose that particular view upon an unwilling neighbor. The Christian may think it great folly for each man to live according to his internal moral code oblivious to God's law ("ye shall be as gods," Gen. 3:5), or "each individual's innate sense of truth and justice"; does this profession of faith necessarily or properly vest in the practicing Christian the right to compel all others to accept his creed? Or rather, doesn't the modern theocrat—be he religious, atheistic or agnostic—confuse subjective value with moral absolutes?

Thus, the Remnant through Ezekiel asked God, "How should we then live?" and received a simple and direct mandate: "As I live, saith the Lord." (Ezek. 33:11) Yet, simple declarations may cloak deeper lessons. Surely, reflective men and women in the sixth century before Christ, as now, wondered how the Lord did live. And, for the Jew of 2,600 years ago, as for the Christian in the late 20th century, the answer appears in the recorded reports of eyewitnesses to history.[3]

God's Answers

God often provided sound answers to this secondary inquiry (How does the Lord live?) for Old Testament followers. For example, in the entire passage from Deuteronomy abstracted heretofore, God directed His people to follow His statutes and laws (see Deut. 30:15-19), a message often repeated but seldom heeded. He condensed His rules of conduct in the Decalogue (Ex. 20:1-17), a precise summary not dissimilar from the essential teachings of most of the world's great religions, and not wholly unlike the alleged inbred "innate moral sense" so popularly presupposed in current lore to reside in all individuals.

Somehow, the content of these simple yet exact rules of order either escaped most folks or suffered the serious amelioration of convenience. Hebraic law became burdensomely formal and uselessly coercive, smothering the essence in arid dust. People became baffled: How did God live? Was it as some neighbor declared? Or according to the local prophet, general, or rabbi? Couldn't these restrictive commandments be modified just a bit to fit a particular case which coincidentally happened to be of personal interest to the inquirer? Didn't modern times mandate more modern and less archaic solutions? And so the waxing and waning of the Old Testament travails continued unabated long after Ezekiel departed.

For the Christian, a remarkable and unprecedented event occurred 2,000 years ago: God answered the secondary inquiry (How does the Lord live?) in a unique and direct way. God became Incarnate, sending His Son in the form of a man, to live among witnesses, to encounter and suffer the range of human events and emotions and, incidentally, to show us just how the Lord does live.

In the examination of Jesus' life, set against the backdrop of the Old Testament law, we see not only how the Lord lives but also the stark distinction between principled personal belief and the mandate to respect the beliefs (no matter how dis-

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similar or possibly erroneous) of others. Simply put, Jesus lived a life of pristine purity: He adhered to the essence of the Ten Commandments and eschewed sin and evil. He built no monuments to His reign; He assembled no mighty army to strike down the soldiers of Satan; He accepted no patronage; He granted no special favors; He left no estate of substance. In short, Jesus lived quite unlike any human being, ruler or ruled, in all of human history.

Did Jesus ever force anyone to believe, to chant His praise, to recite His creed, to follow Him? Did He ever box the ears of an unreceptive and hooting audience and charge them to "be Christians and do exactly as I say and do or I'll whomp you"? Did He ever ostracize or humiliate those who declined His offers? There is absolutely *no* evidence of such behavior.

Peter presents the perfect counterpoint, the epitome of demonstrative evidence. Once Peter figures out who his Master is he immediately suggests building a grand temple (Matt. 17:4-9); he admonishes Jesus that He must avoid His trip to Jerusalem and His destiny on the cross (Mark 8:31-33); and, in the garden, he slices off the ear of the servant of the high priest (Matt. 26:51-52). In every instance, Peter's actions earn stern rebukes, for Peter behaves as men do, not as the Lord does.

Abundant Lessons

Layers of lessons abound in the Lord's answer to Ezekiel's question, and each layer offers guidance for believer and nonbeliever alike.

First, Ezekiel and his counterparts must adhere to principle in a sea of challenge, doubt, and seduction. Absolutes in the form of correct choices and proper principles do exist; consequences flow from all choices, results that must be endured, events that beget future choices. Selection between alternatives may be made randomly, thoughtlessly, malevolently, or may rest upon the basis of the actor's understanding of, and adherence to, fundamental principle. The principled individual is charged to live scrupulously, to make the right choice at each and every opportunity, be he Christian or Jew, atheist or agnostic; the distinction exists in the standard.

When the moral individual refuses to soften this quest for perfection, he is often met with derision, enticement, or compulsion. In this regard, scant differences separate the doctrinaire libertarian and the overzealous Christian. There appears a natural human tendency to challenge the beliefs of others, first through shunning and scorn, last by force and fraud. Those most inflexible in principle seem to suffer the greatest assaults, possibly because the traducers implicitly recognize the propriety of the upright and seek to wrench them down to their level.

Disorderly man occupies an orderly sphere and setting. Gifted with the power to choose, flawed mankind necessarily makes poor choices on occasion, for freedom encompasses the power and the right to be wrong. The Christian is called only to be a faithful steward, not a perfect one. Perfection is our goal; it is not within our grasp. A sentry at Buckingham House, two and one-quarter centuries back, put it artfully: "But, Sir, if GOD was to make the world today, it would be crooked again tomorrow."[4] Intolerance of human failings—of self or others—often eclipses the quest for betterment; this inherent intolerance leads directly to the second layer of understanding and the dichotomy between principle and force.

Second, then, Jesus' answer to Ezekiel's inquiry aptly illustrates the difference between holding and practicing a belief and demanding adherence by others to that ideal. While men are flawed, God is not; yet Jesus did not command obedience to His banner although He knew it to be true. Nor should men. Indeed, since men—unlike God—do not inevitably *know* that they hold proper principles and exhibit correct behavior, they ought not compel others to accept and adopt a possibly flawed precept.

Ample manifestations of the impermissible blurring of principle and command appear upon reflection: the religious zealot who seizes the machinery of government, establishes a state religion *de facto* or *de jure*, enacts blue laws, and orders compulsory chapel; the arid libertarian who, intolerant of any suggestion that others might reach similar results from dissimilar bases, mocks his Christian counterpart out of the discussion; the well-meaning sophisticate concerned about the homeless, the young, the irascible, or the disabled, who induces the county commission to use tax revenues to pay for shelters and rehabilitation centers; the illiberal liberal who concocts false testimony concerning, and selectively applies state legal sanctions against, disliked religious persons

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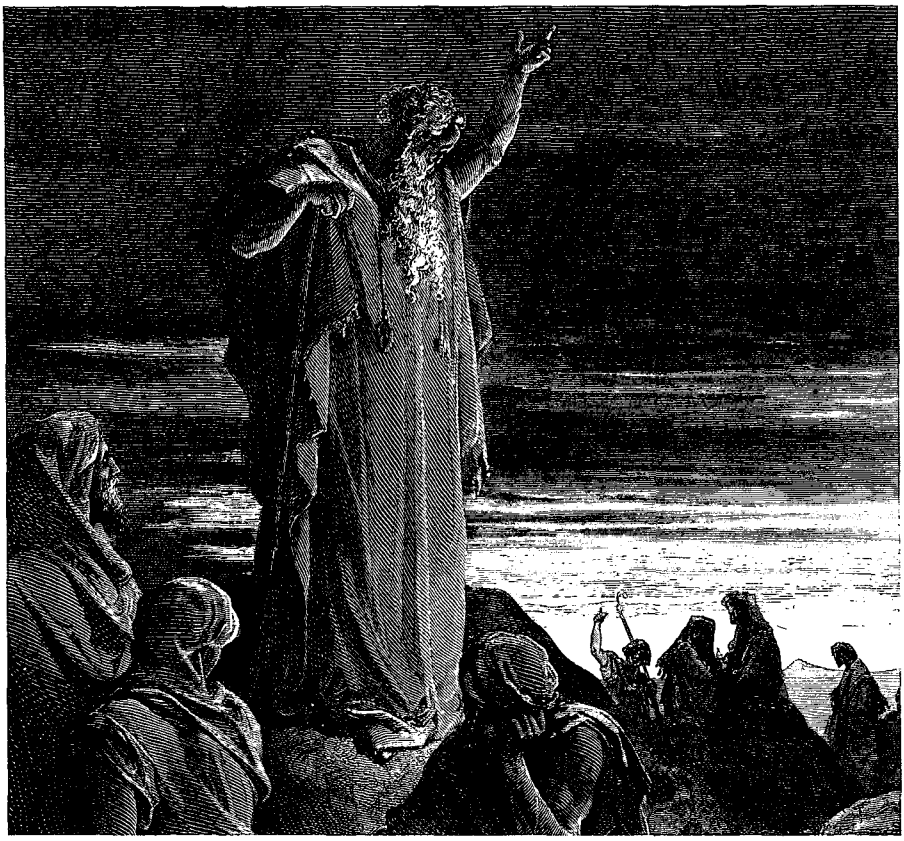

Ezekiel.

or groups who hear a different voice and dare to speak out. Sadly, the list appears endless: For religious and agnostic alike, the concept of "witness" has all too often transmuted proper belief and the quest for moral excellence into an evil charade replete with clever rationalizations, as each individual seeks to impose his agenda upon all others, to limit the discussion to prescribed topics, and to foreordain all solutions, hence circumscribing human action with his own finite boundaries in the name of his "truth."

Third, Ezekiel reveals the role assigned to the committed: They are called to be watchmen (Ezek. 33:1-10). Watchmen perform specific tasks: They search out the truth, live out the truth, and speak out the truth, in order that others may hear and assimilate. No one expects a watchman to battle those about him. Watchmen cry out; they sound the tocsin; they raise the alarm; but Ezekiel does not suggest that the watchman's obligations include compelling anyone to believe, to profess, or to act in any discrete manner. Instead, God's watchmen provide knowledge and opportunity, a palpable form of due process, to any and all who choose to consider the message.

The watchman directive applies to the nonreligious believer by a parity of reasoning. Leonard E. Read devoted many of his adult years to the study and explication of the appropriate methodology of freedom. He repeatedly reminded his readers and listeners that one who truly espouses the freedom philosophy could not coerce others to adopt those premises, since to attempt to do so would constitute the most startling contradiction in terms. He admonished us that the "end preexists in the means," "the bloom preexists in the rose." If we improve our own self and live according to right precepts, others will observe and be drawn to the proper path by the flame of attraction. Leonard Read's adjurations do not differ in essence from God's admonition to Ezekiel and echoed in Matthew 16:5 to "Let your light so shine before men, that they may see your good works, and glorify your Father which is in Heaven."

In this fashion, the Ezekiel passage makes it manifest that committed individuals are duty-

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bound to honor their commitment, but they are not to coerce others to follow their opinions or mimic their precepts. They should seek the truth, follow the right, improve the self, and never stray from fundamental principle. In the timeless truth of the redoubtable F. A. Harper, "A principle can be broken, but it cannot be bent." Concomitantly, committed men and women should attract others by the light of their words and the propriety of their deeds, never by the exercise of compulsion, aggression, fraud, manipulation, or malevolence—with or without the sanction of the state.

Further, Ezekiel offers us a fourth lesson. Those who hear the watchman must heed his warning or suffer the ineluctable consequences. Remember, one need not accept or act favorably upon a warning, but God makes it clear that the listener disregards the sound of the tocsin at his own peril. Once more, this passage accords with the fundamentals of freedom. Force and freedom are inimical: Freedom includes the freedom to fail, to make choices that seem wrong to legions of observers, to act meanly or intolerantly or foolishly, to go against the crowd. The essence of man resides in his power to make meaningful choices that will affect not only his life but also the lives of others here and hereafter. Deprivation of this power of creative choice, for whatever reason, not only limits that man's array of selections but also diminishes him as a person. "To enslave" is much too light and lax a verb to describe such oppression, for the person restricted is thereby lessened as a human being, stunted in his potential, and cut down in his moral growth.

God's watchman must speak out fearlessly and his listeners must act accordingly, or both will suffer inevitable consequences of their respective breaches of duty. But nowhere does the message provide that disagreeing men should either thwart the warning or forestall the reaction by destructive means. Just so the observant nonbeliever may deny the existence of the law of gravity, but when he leaps from an airplane without a parachute he pays the inexorable price for his sincere if incorrect intellectual position.

Limiting Human Action

What limits then restrain human action? The rules and order of the universe and the civil sanctions against aggression. The nature of man and the consequential constraints of the world permit growth but preclude perfection. The civil or positive law—no less than the essential Biblical code—ought to deter and punish the employment of fraud and the initiation of aggression; after all, if Ezekiel demonstrates that proper belief does not include the coercive imposition of that belief upon an unwilling other, the lesson must also implicitly disparage the use of force for lesser purposes as well.

Most compulsion develops facially as a quest for "good" and as an affray against evil. B wishes to protect A from his folly. B "knows" that he knows better what ought to be done under the circumstances by virtue of his expertise, his beliefs, or his prominence, so he substitutes his moral, aesthetic, political, or economic judgment for that of his fellows. After all, if left to their own devices and desires, "they will make bad choices." On the surface, B's outward clamor is always for good, justice, and protection. In fact, the Bs of the world seek glory, patronage, and power, and their conduct displays the most heinous intolerance and cant. Those who seek to "do good" by coercive means accomplish great evil by depriving their subjects of their primary human trait. These dictators great and small live as men do, not as God.

Commitment to Christianity and to the free society are one and the same. The sole difference of note lies in the choices made by freely choosing individuals once all recognize the fundamental difference between commitment to principle and the use of compulsion to impose that principle upon others. □

1. See, for example, Isaiah 1:9; Nehemiah 1:3.

2. Albert Jay Nock, "Isaiah's Job," available as a reprint from The Foundation for Economic Education, Irvington-on-Hudson, New York.

3. It is confusing and amusing to consider the reluctance of some individuals to credit the notable—if not inspired—eyewitness accounts of ancient men and women, when those same individuals voraciously grasp as gospel the silly and demonstrably unsupported reports of modern ideologues and charlatans. For further insight, consider G.K. Chesterton, *The Everlasting Man* (New York: Dodd, Mead & Company, 1925), and Charles Mackay, *Extraordinary Popular Delusions and the Madness of Crowds* (London: Richard Bentley, 1841).

4. James Boswell, *Boswell's London Journal*, edited by Frederick A. Pottle (New York: McGraw-Hill, 1950), entry of December 22, 1762, p. 100.

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The Strongest Man

by Gary McGath

A major influence in my teenage years was Henrik Ibsen's *An Enemy of the People*. This splendid play deals with a Norwegian doctor named Thomas Stockmann who discovers an inconvenient fact: that the local baths, which he had helped to establish and are economically vital to the town, are dangerously contaminated. His supporters drop away from him as the town's leaders put pressure on them, until he is left alone to address a public meeting on the subject.

At the meeting, Dr. Stockmann is forbidden even to state the case which he came to present. Instead, he speaks on an even deadlier pollution: the power of the "compact majority" to stifle dissent. He is branded an "enemy of the people" and is driven out of the meeting; yet, in the courage and confidence which he shows, he is the clear moral victor.

For me, Dr. Stockmann was only a fictional character; things like that could happen, but only somewhere else in the world. Or so I thought, until I experienced a taste of his ordeal in my own town.

The story starts with a frustrated board of library trustees in Hollis, New Hampshire. For year after year, they have been trying to get the town to approve an expansion program which would double the size of the existing library. Year after year, it has been voted down. This year, they decided to take a more active role in shaping public opinion. They issued a series of flyers, in the name of the Hollis Social Library, and mailed with its bulk mailing permit, urging the people of the town to vote for the library expansion.

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It seemed to me that political advocacy by a government agency is something which everyone would recognize as plainly wrong, though perhaps they needed to have the issue named for them. In view of this, I devoted an installment of my column in the local newspaper to this issue. In my column, I pointed out how such a practice could spread to every government agency if not opposed.

The column drew a response from one of the trustees, who defended their action, claiming that "it is the elected responsibility of the Trustees to be advocates for the library," and that engaging in political advertising is "a standard and continuing fulfillment of the Board's obligations to the citizens of Hollis." He stated that no tax money was used for the mailings, but that income from the library's trust fund was used, in addition to donated services. As further evidence that they were indifferent to my arguments, the library trustees sent out another mailing the week before the town meeting, again explicitly soliciting votes in favor of the expenditure.

The next step in the battle was the town meeting. After throwing out draft after draft, I devised a short speech that would, I hoped, convince an honest person that a government agency could not morally engage in political advocacy, whether it used tax money or solicited contributions for the purpose. The site was a crowded high school gym, not unlike many others across the country where town-sized democracy has been exercised. As I waited for my chance to speak, I kept scratching at my draft, taking out anything that didn't strictly address the point. Finally I had my turn at the microphone.

I said: "I'm Gary McGath of 5 Ames Road. I'd

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like to address the issue of morality in politics. We're concerned with high taxes—they're bad enough—but the activity which the library trustees have been engaging in, in order to promote the warrant issue, I think is far worse. We're supposed to be a government of the people, not people of the government, but the library trustees have put out a whole series of flyers promoting their political position. [One of the library trustees] wrote a letter to the *Hollis Times* telling us that this money came out of the library trust fund, and thus presumably originated in contributions. But even so, a government does not have any business engaging in political advertising. Either they solicited contributions for political activity, or they solicited contributions that were not for political activity and then spent it on political activity. I consider either one to be entirely immoral. In today's morality, people tend to ask, 'What do we want?' and 'How can I get it?' and it seems as though that's about as much as the library trustees have been asking; and they figure . . ."

That was as much as I was allowed to say. The moderator of the meeting told me that the library trustees were not immoral, that he objected to my terminology, and that I had been given a sufficient opportunity to make my point. When I asked to be permitted to close out my remarks, he told me that if I repeated that the library trustees were immoral, he would make me sit down.

I fell into the trap. I hadn't said that the trustees were immoral, only that their actions were, so I couldn't very well repeat a statement I hadn't made. But my concern was with not being cowed, rather than with being lured into a statement that could be construed as a personal attack. I answered, "The library trustees are immoral." Outraged at being disobeyed, he told me to sit down. About half the crowd applauded him. No one said a word in my defense. I did not sit down; I left the meeting.

On my way out, I realized that in my haste I had forgotten my jacket. When I turned back to get it, a couple of undersized cops, trying very hard to look tough, stopped me. One of them got my jacket for me, but they had provided the final proof for me of how low Hollis had sunk; I was excluded from a public meeting, even if it was one I was only trying to leave. I had, in effect, been declared an Enemy of the People.

From here, the story stops following Ibsen. No one has slashed my tires, thrown rocks through my window, or strangled my cats. Some people have offered me encouragement. But the shock of seeing people applaud the silencing of a political opponent has stayed with me.

At the Expense of Others

What makes people act this way? The desire for something at the expense of others is an obvious factor; when people want what they know others aren't willing to offer, it becomes tempting to resort to subterfuge. The open exchange of information is valuable to people who deal with one another by consent; it is a danger to people who want what others won't consent to. The crowd mentality is obviously operative as well; people will often stick with the group rather than appear different.

But these factors are symptoms of weakness rather than strength. People who want the unearned are dependent on those who provide it, and specifically on their ignorance. They must—as this meeting showed—turn to desperate measures to keep people from understanding the issues and making an independent decision. People who follow the "compact majority" have no enduring motivation; when the crowd sways in another direction, they must sway with the crowd or fall on their faces.

This is what Dr. Stockmann came to understand after he was declared an "enemy of the people." He discovered that each person who denounced him or stopped doing business with him was acting simply out of fear of his neighbors. He realized that he was temporarily stymied, but that he was the only person in town who knew how to take action on his own initiative. He formulated a plan to start a new school, in the very hall where he had been denounced, in which he and his family would teach poor boys from the streets to be free thinkers, until one day they would be strong enough to drive the "wolves" away.

As he made his plans, he was confident, not afraid, because of a "great secret" he had discovered: that "the strongest man in the world is the one who stands alone." Such a statement may seem paradoxical, especially to those of us who have stood alone in opposition to governmental encroachment and lost. But it is a truth which has shaped the world. Individuals standing alone have

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always been the initiators of change; those who follow the crowd are merely acted upon, and those who purport to lead the crowd must constantly run to arrive where the crowd is going to be next. Anyone who hopes to see the world or a community move in a new direction must be the first to go in that direction and must be willing to stand on nothing more than his own judgment, presenting a case and setting an example which others will eventually understand.

No Quick Fixes

Some people hope for quick fixes to society through the political process. But before political change can happen, there must be change in the minds of people. Without this, the crowd will turn away from attempts at change. With it, nothing can stop the change; witness the events in the Communist world today.

The key element in Ibsen's "strongest man" is certainty without pretense. This does not mean regarding oneself as infallible; that sort of certainty is the most pretentious and vulnerable of all. It means not shrinking from the facts, not disguising one's own knowledge, but at the same time reexamining every piece of that knowledge whenever possible. Only knowledge that has survived the most difficult tests in one's own mind will survive in public debate.

To reach people by standing alone, it's necessary to reach them when they're standing alone, that is, one person at a time. It's possible to sway a crowd with an emotional appeal, but reaching people with reason is a much slower process. Creating a free society is a "bottom-up" process, one that proceeds from the individual to the social organization, not a "top-down" process of changing the individual by changing society. People who depend on the crowd for their thoughts may adopt the slogans of freedom, but they won't understand its substance.

This approach doesn't preclude addressing large audiences, but it requires addressing the reasoning power of each individual, not appealing to mob instincts or disguising one's message as something fashionable.

It requires staying calm under stress, in order to be able to address the issue rather than the crowd. This can be the most difficult task of all, and a lapse can allow clever leaders to maneuver the debate to their advantage; failing to remember this was certainly my own greatest mistake in that town meeting.

It requires not overestimating the power of the crowd. It can seem, when facing a crowd alone, that the whole world has turned against you and that nothing you can say will ever make a difference to anyone. It's important to remember that there are still people with minds, even if they aren't present or if they lack the courage to speak in your defense, and that even people who cheer with the mob may reconsider in privacy.

In the case of my own experience, there was one light that penetrated the darkness: When the time came to vote, the library issue was defeated. Everything that the politicians had done couldn't get them their way; there were still enough people who made their own judgments to keep the vote short of the needed two-thirds. These people, to that extent, stood alone in their own minds. By encouraging each person to hold on to such independence, those of us who care for freedom can survive and succeed in spite of the loneliest moments which political battles may thrust on us. □

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School Budgets and Town Meetings

by R. W. Boehm

In New Hampshire a popular topic of conversation during the first months of the new year is the local school budget. Newspapers report frequently on the heated proceedings of town meetings where school budgets are discussed. Television coverage shows that these gatherings can become highly emotional as aggravated citizens express their concerns. There is much gnashing of teeth.

There always are many in attendance who favor increasing the school budget for a variety of well-intentioned reasons. They are quick to express their opinions, but sometimes are intolerant of the views of others. Often these people have children in the school system, or work in the schools as teachers or support staff.

A growing number of citizens are tiring of ever-escalating property taxes and are bravely beginning to attend these meetings. They usually are fewer in number than the first group, frequently are the recipients of shrill denunciations of their lack of "charity," and generally are held to be beyond the pale. But many, quite simply, no longer can afford to pay their school taxes. In some towns, such as Bedford, these people are forming taxpayer associations. They want to control spending. They also resent the arrogant indifference of the school board to their differing point of view.

There is a third group of citizens who for a variety of reasons choose not to participate in school-budget politics. That these people's rights often aren't even considered doesn't seem to evoke any concern. After all, goes the popular retort, they can vote too.

Mr. Boehm is an airline pilot living in Bedford, New Hampshire.

So, what's the problem?

A frequent result of the voting process is the redistribution of wealth. This occurs not only in the case of schooling but in most issues that have become politicized. The government that is supposed to protect our rights equally now takes from one group to give to another. As our appetite for special-interest politics grows, so does the plunder that supports it. True, this democratic process is a more civil way to settle disagreements than resorting to brute force. But, as James Madison warned in *The Federalist*, democracy can and often does produce results similar to the physical violence it seeks to avoid. The tyranny of the dictator is replaced by the tyranny of the masses when anything can be made legal by voting. It seems we should be frequently reminded that the voting process doesn't necessarily make something right, only legal.

History reports that our Founding Fathers held an underlying assumption when they formed our democratic, constitutional republic: We are a moral people, and this morality is based on the commandments of God. Therefore it cannot be imprudent to say that the degree to which we will improve our political situation is likely to be proportional to the degree we once again permit ourselves to be influenced by the Judeo-Christian tradition. The Bible reminds the faithful to be "the salt of the earth and the light unto the world." We are to reflect God's love as we interact with the world. This seasoning role certainly extends to the realm of politics. Our instruction remains the same. St. Matthew recorded the Great Commission from our Lord at the end of his Gospel.

The Bible teaches that responsible behavior pri-

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marily requires remembering our obligations to God and to our neighbors. Indeed virtually every religion teaches its faithful to love one's neighbor as oneself. St. Paul reminds the Romans: "Love is the fulfillment of the law." (Romans 13:10) We are asked not to do to our neighbor that which we do not wish done to ourselves. The Bible tells us that the main reason for government is to restrain the irresponsible or whoever wishes to diminish the liberty of another.

Before running down to the next town meeting, perhaps we first should make sure of the responsibilities we have to our neighbors: to love them, to forgive them, to pray for them, and to refrain from interfering with their ability to enjoy the same rights which issue equally to all. Forcing one's neighbor to pay for something other than the rightful role of government is not love. We are instructed not to judge our neighbor's lack of charity; rather, we are asked to set a better example and increase our own charitable efforts.

Good Intentions Are Not Enough

Given this, what subjects should be considered at a town meeting? The proposals from those of good intentions are never-ending. So the primary question becomes: Does the subject in question involve a legitimate role of government? Our good intentions are not enough. Scripture teaches that government is to be limited in power and is created primarily to regulate relations among the people of a fallen world. The functions of government are few: to maintain order, to protect life and property, and to provide justice. Quite simply, this involves little more than the operation of a police force and courts of law. This is what is Caesar's. The list is amazingly short and most definitely does not include such items as health, education, or welfare, to name just a few.

The skeptic will ask: How do you propose to replace the services the government provides? Doesn't the government do for us many things we can't do for ourselves? Beyond its rightful role, about the only thing the government can do for us that we cannot is legalize that which is wrong. As F. A. Harper was quoted in the March 1966 *Freeman*: "The government . . . cannot possibly do anything that people can't do for themselves, for the simple reason that people comprise all that is government. Government is manned by the very same persons whose deficiencies are presumed to disappear when combined into a legal structure with bureaucratic, political trappings —a process which makes an ordinary person, if anything, less able than before to accomplish things."

The school issue, like all other issues that exceed the proper role of government, is not a budgetary problem nor is it a problem solvable by electing better representatives or instituting better government controls. Schooling simply is not a proper function of government. The involvement of government in matters beyond its proper role produces a coercive monopoly of special interests and privileges. This is a perversion of justice, for the only way the government can create entitlements is to take from one to give to another. In doing this, the government must forsake its rightful responsibilities.

The irony of this situation is the predictable outcome—mediocrity. An unhampered market stimulates competition. Economics, the study of human action, shows the result of competition to be higher quality goods and services for the lowest possible price. The current national schooling crisis is an excellent case in point. The facts are these: We have a monopoly school system; we are being forced to support it; it is by recent government admission mediocre; and it is widely described as overly expensive. Were this monopoly eliminated, the quality of schooling would improve dramatically and the price of it would decrease. Educators could teach whatever they wished, but their ability to stay in business would be determined by the sovereign of the market—the consumer, not Caesar.

At town meetings we should be discussing how to return government to its rightful role. Instead of talking about the upcoming school budget, we should be discussing how to get government out of the business of schooling and all the other places into which it wrongfully intrudes. □

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Mandated Airline Safety Seats Won't Increase Travel Safety

by John Semmens

Last year three unrestrained children were killed in two separate airline crashes. Speculating that these children might have survived had they been belted into child safety seats, the National Transportation Safety Board has proposed that the federal government require such seats for infants and toddlers flying on commercial airlines. Proponents of the regulation point out that adult passengers are provided with seat belts. Why shouldn't small children be equally protected? Should parents be allowed to save money by risking their children's lives? Shouldn't the government make them behave more responsibly?

This all sounds very plausible. Who can be against safety? Yet, like so many other paternalistic schemes, the overlooked cost factor will undermine even the best intentions.

Safety regulation advocates frequently assert that we should be willing to pay whatever it takes to assure safety, especially when children are involved. The reality, though, is that our means are limited. We can't buy all the safety imaginable. Consumers must fit travel safety into a family budget, along with food, clothing, medical care, and shelter.

If parents with small children are required to buy an additional airline ticket to cover the safety seat rather than carry these children on their laps, three responses are possible. One possibility is that parents will, in fact, sacrifice some other expenditure in order to pay for the child's seat. However, child safety seats are currently available, and many parents don't buy them. Also, just as restaurants can refuse service to people without shoes or shirts, airlines could refuse to carry a child without his being belted into a safety seat. That most parents and airlines don't voluntarily incur this expense indicates that there is consumer resistance to buying an additional ticket for a small child.

We shouldn't assume that such choices are inherently bad. The chance of an accident for any given airline departure is one in 300,000. The chance that a safety seat would make a difference is even less. Airline travel is safe and has been getting safer over the years. It is hardly irrational or irresponsible for a family to balk at paying an extra amount, possibly hundreds of dollars, for the remote chance that it will buy more safety.

Sacrificing some other expenditure to pay for the child's extra ticket isn't the only option available to parents. They might decide to make the trip by alternate means. A most likely choice will be the family car. However, statistics show that intercity automobile travel is much more dangerous than commercial air travel. The fatality rate for commercial airlines is about three deaths per 10 billion passenger miles. The fatality rate for auto transportation is about 220 deaths per 10 billion vehicle miles. In short, a family's chances of being killed on a trip are 70 times higher in the family car than on an airline.

If the additional cost of the child's safety seat leads to more automobile travel, not only would the regulation induce a family to select a less desired transportation option, it would also increase their risk. Even if only 2 percent of the parents with children small enough to be affected by the proposed regulation opt for auto transporta-

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tion, the regulation will have the net result of increasing total travel fatalities. The few lives saved by the rule will be more than offset by the dozens or even hundreds of lives lost in highway accidents.

The surge in air travel following the deregulation-inspired price cuts suggests that the decision to fly is highly sensitive to the cost. Since the families affected by a mandatory child safety seat rule would typically see their air transportation cost rise by 25 to 50 percent, the shift to auto is likely to be much greater than 2 percent.

A final option for a family facing the higher cost of air travel under the new regulation would be to not make the trip at all. Once again people would be forced to accept a less desired alternative. But while staying at home won't expose them to the hazards of air or highway travel, neither will it guarantee perfect safety. Whatever activity is substituted for the forgone travel will have its own hazards. For example, in the past year more toddlers died in backyard swimming pool accidents in Phoenix than died due to the lack of child safety seats on airlines in the entire nation.

All this is not to say that using an airline safety seat is a bad idea. People can be informed of the benefits and costs, and encouraged to choose wisely. But they should be allowed to choose for themselves. The world is complex. The needs and wants of people are diverse. Attempting to force everyone into the same choice, as the proposed child safety seat rule would do, diminishes individual freedom and, as we have seen, enlarges hidden risks.

The notion that there is an inevitable trade-off between freedom and safety is false. Regulatory suppression of free choice can very likely decrease safety. Rather than using governmental power to coerce people into less satisfying and sometimes more dangerous alternatives, why not leave them free to choose for themselves? □

Air Bags—More Government Hot Air?

by Anthony Young

The automobile today is as much a product of government regulation as of corporate design and innovation. For decades automobile manufacturers designed and built cars without government intrusion. That ended in the 1960s. The automobile suddenly became the focus of environmental activists and safety advocates. The number of regulations affecting cars in the late 60s amounted to only a trickle at first, but quickly reached storm surge proportions in the 1970s.

Manufacturers were forced to redirect much of their design and engineering manpower to the new wave of regulations. New words and phrases entered the automotive lexicon: emissions, impact absorbing bumpers, crash-worthiness, rollover standards, passive restraints.

The last of these—passive restraints—proved the most abhorrent to the manufacturers, and the companies worked tirelessly to prevent such legislation from being passed. The car makers argued that such devices were complex, very costly, and embraced unproven technology. Some cautioned that in certain circumstances air bags, as they came to be known, might even be dangerous. There was also the fear of product liability lawsuits in the rare instances where the air bags failed to inflate.

The insurance industry lobbied for implementation of passive restraints, stating air bags would save lives and reduce injuries; air bags would also save the insurance companies millions of dollars in claims.

The debate raged for years. Seat belt interlocks

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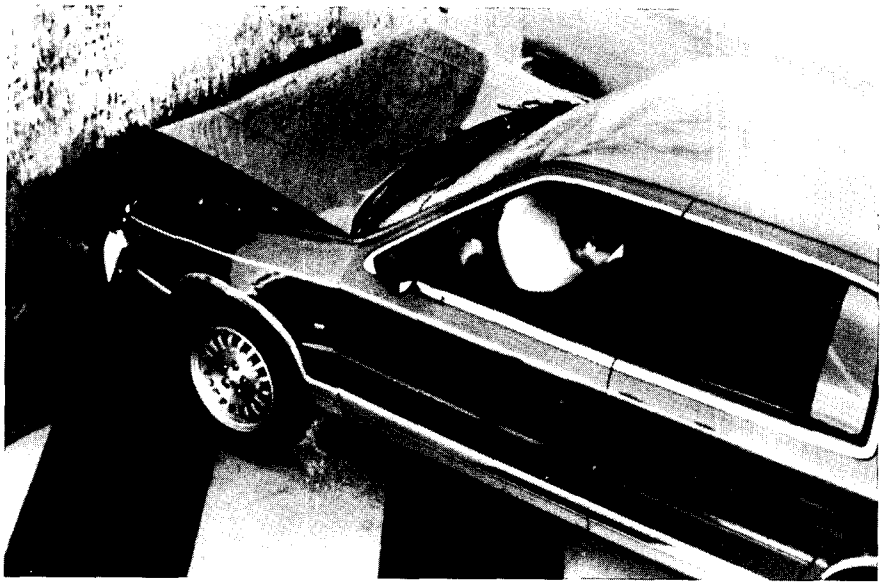

Crash testing 1990 automobile equipped with driver's side air bag.

were tried in the 1970s, forcing drivers to buckle up before their cars would start. But owners found ways of getting around this, and the idea was scrapped. In fact, Americans never have been great believers in the use of seat belts. Despite the life-saving and injury-preventing qualities of lap and shoulder belts, roughly half of all drivers eschew them, even with mandatory seat-belt laws in most states. The air bag, and in some instances, automatic seat belts that wrap around the driver when the car door is closed, circumvent the recalcitrant nature of the American driving public. The government says, in effect, "Since you refuse to exercise good, common sense by wearing a seat belt, the U.S. government has decided to protect you from yourself." And you must pay for it.

For those who refuse to buckle up, there are air bags. And drivers equipped with air bags will be the first to extoll the virtues of the device after surviving a head-on collision. Unfortunately, the other 50 percent of drivers who wear lap and shoulder belts are now forced to pay for a redundant and costly passive restraint starting with the 1990 model year. However, air bags are not yet required in every vehicle the manufacturer makes. Consequently, some new-car buyers, having worn lap and shoulder belts for years, are balking at new air bag-equipped cars and are selectively shopping for new vehicles without air bags.

Clearly, most car manufacturers wouldn't install air bags if not required by law. However, some companies with a tradition of safety, such as Volvo, have installed air bags for a number of years. Air bags, nevertheless, have their limitations. They are effective only in head-on or front-oblique collisions. Lap and shoulder belts provide protection in many other accidents, including side impact, multiple impact, and rollover. Aware of the limitations of air bags, manufacturers continue to install inertia reel lap and shoulder belts in their air bag-fitted cars. Ads for the Lexus ES250 show a driver-side air bag supplemental restraint system inflated with a lap and shoulder belt buckled around an anatomical dummy.

Despite the obvious facts in the air bag versus seat belt debate, safety advocates have turned a deaf ear. They now seek to expand the regulations to include trucks, vans, and other vehicles. Thus, expensive passive restraints will be installed in millions of vehicles when fewer than one percent will be involved in accidents requiring them.

The air bag is yet another example of government trying to improve the automobile for society. As is so often the case, once government gets involved in the regulation of a product, light is never seen at the end of the tunnel. There is never a stated, final goal; there is only an ongoing effort of "improvement." Government regulation of the automobile has taken on a life of its own, the most notable result being a much more expensive product. □

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Aquaculture: The Birth of an Industry

by J. Brian Phillips

In recent years, growing health awareness has led to a rising demand for fish and other seafood. Despite this, American fishermen are finding it difficult to earn a living. As is often the case, the industry has become increasingly politicized.

The free market has received much of the blame for the problems facing the fishing industry, and the solutions proposed by the industry almost always involve an expansion of government controls. But the fact is, the free-market, private-property system hasn't been allowed to operate, and this is the real cause of the industry's woes. The birth of a new industry—aquaculture—offers a free market alternative.

Government Policy

To understand and appreciate the rise of aquaculture, we must first have a grasp of government policy regarding fisheries and the commercial fishing industry.

Many analysts of the fishing industry summarize the industry's problems as simply a matter of too many fishermen chasing too few fish. This is true, so far as it goes, but it fails to tell us *why* there are too many fishermen and too few fish.

Like the family farmer, fishermen have a long, rich history in America. Like the family farmer, fishermen have been hard hit by high interest rates and foreign competition. And, like the family farmer, fishermen have responded by demanding help from the government, which Congress has been more than willing to provide.

As in agriculture, such interventions sever the industry from market considerations, creating economic distortions. In both industries, technology has greatly increased productivity. In the fishing industry, bigger, faster boats, equipped with modern refrigeration and sophisticated electronics, allow fishermen to stay at sea longer, catch more fish per trip, and bring the catch to port already processed.

In a free market, increased productivity reduces the number of workers needed in a given industry. But in neither agriculture nor fishing have these productivity gains resulted in a proportional decrease in the number of producers. In agriculture, the result is a glut of many farm products. In the fishing industry, the result is overfishing and the depletion of fish stocks.

Like agriculture, government policies—low-interest loans, subsidies, protection from foreign competition—have encouraged production. Simultaneously, these interventions permit less efficient producers to remain in business. The result is too many fishermen.

"The Tragedy of the Commons"

The problem of overfishing illustrates what is commonly called "the tragedy of the commons." Fisheries are public property, since nobody owns them. To the fisherman, the only way to profit from a fishery is to harvest its products. As an individual, he has little incentive or ability to preserve the resource. His conservation efforts will be offset by the counter-efforts of other fishermen. Consequently, each fisherman seeks to maximize his catch today, without regard to the impact it will have on his catch tomorrow.

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Government interventions in economic affairs ultimately lead to further interventions in the future. The fishing industry is no exception. Government interventions stimulate production and lead to overfishing. In response, the government then intervenes to limit production.

The redfish, or red drum, provides an example of a typical government reaction to overfishing. Until Louisiana chef Paul Prudhomme created blackened redfish in the early 1980s, the red drum was a relatively obscure fish. But as blackened redfish became a national craze, demand soared. Fishermen responded accordingly. In 1980, about 54,000 pounds of redfish were caught in the Gulf of Mexico. Six years later, an estimated 5.4 million pounds were caught. At the time, officials predicted that by 1990 the annual catch would exceed 20 million pounds. Fearing the extinction of the redfish, state and Federal officials banned virtually all commercial fishing for the red drum.

The problem of overfishing is hardly limited to the redfish or the Gulf Coast. In New England, lobster, mackerel, and scallops are in short supply. And the government's policy has been essentially the same—reduce landings of the species in question. There are many methods for achieving this, such as limiting the fishing season, issuing fewer commercial fishing licenses, and outright bans.

On one hand, the government seeks to stimulate production through subsidies and low-interest loans; on the other, it seeks to limit production through tighter restrictions on fishermen. Like the family farmer, fishermen are caught between contradictory policies.

Aquaculture

The solution to the problem of overfishing is to privatize oceanic fisheries. When resources are privately owned, the owner has an economic incentive to conserve the resource. If he depletes a renewable resource more quickly than it can be replenished, he ultimately destroys the resource and loses his investment. While privatization of fisheries faces numerous political obstacles, a new industry—aquaculture —is establishing a *de facto* form of privatization.

Simply defined, aquaculture is fish farming. Its history stretches back many centuries—it is believed that the Chinese engaged in fish farming as many as 4,000 years ago. Hawaiians built complex fish ponds long before the arrival of Captain Cook. In Southeast Asia, flooded rice fields have long been stocked with carp and mullet. In the United States, aquaculture has existed for many years, primarily in the South, but it wasn't until the 1980s that it began to develop into a viable industry.

While the United States is a relative newcomer to aquaculture, the nation's demand for seafood is fueling rapid growth in the industry. In 1982, total U.S. aquaculture production was 180,000 tons. In 1987, the harvest of catfish alone was nearly 175,000 tons, while all aquaculture products amounted to 375,000 tons. The industry's growth promises to accelerate during the 1990s—aquaculture has become one of the hottest investments around.

In 1989, plans were announced to produce 500,000 pounds of hybrid rockfish annually at the nation's largest indoor fish farm in Maryland. Naiad Corporation hopes to be harvesting 50 million pounds of catfish each year from its ponds near Danbury, Texas. M-K Ranches in the Florida Panhandle produces nearly one million pounds of crawfish each year. Redfish Hatchery in Mississippi expects to produce a million pounds of redfish annually. In addition, dozens of other companies are raising the above species, as well as tilapia, trout, striped bass, and freshwater shrimp.

The term "fish farming" describes the very essence of aquaculture. Traditional fishermen are hunters. They must chase their quarry and capture it. As fuel costs rise and the stock of fish declines, traditional fishing has become increasingly expensive. Aquaculturists, however, raise fish in a closed environment, just as farmers raise chickens, pigs, and other domesticated animals. In fact, aquaculture is a form of animal husbandry.

Until the development of agriculture, human beings were hunters and gatherers; their food consisted of what they could capture or find. Agriculture allowed mankind to take control of his own destiny; aquaculture promises to expand that control. "The big thing about aquaculture is that you don't need to wait for a good catch day," says Levy Amar, general manager of Sealantic Inc., which raises tilapia fish in Katy, Texas. "If somebody needs the product, he will get it the same day in most cases."

Over the past 30 years, landings of ocean fish have held steady at around 57 million metric tons

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annually. There is a limit to the ocean's ability to produce seafood. "Aquaculture is probably going to be the solution for the food supply in the fish market for the future," says Amar. "I don't think the oceans are going to produce more fish than what is being caught."

One of the problems facing aquaculture entrepreneurs is marketing. The tilapia fish, which has been cultivated for hundreds of years in other parts of the world, is virtually unknown in the United States. "We basically have to educate people," Amar says about the fish his company is raising. Catfish, which has long been enjoyed in the South, has only recently begun to be marketed in other parts of the country.

But marketing an unknown product isn't the only problem facing aquaculture companies. Despite aquaculture's long history, there is still much to be learned. For example, duplicating the natural conditions of the redfish, which range from coastal marshes to the open Gulf of Mexico, has posed numerous problems. Redfish also are very sensitive to cold weather—one Texas company lost 150,000 during a winter freeze in 1989.

Some experts said it would be impossible to raise redfish in a closed system. Yet, several Texas companies are now successfully raising redfish in indoor tanks. A Louisiana farmer is raising redfish in a salt water pond, while others grow redfish in blocked-off canals or submerged cages.

Mariculture

Aquaculture is frequently described as fish farming; mariculture is often called fish ranching. In aquaculture, fish are contained by barriers. In mariculture, fish are permitted to roam freely in the ocean.

Anadromous fish (those that spawn in fresh water but spend most of their lives in salt water, such as salmon), are most frequently targeted for mariculture. A typical venture consists of raising salmon in a hatchery until they are of age to be set out to "pasture." The young salmon are released into a freshwater stream and swim out to sea, where they "graze" until they have reached sexual maturity. At that time, they return to the freshwater stream to spawn. The salmon rancher then captures his "herd" and delivers them for processing.

Like aquaculture, salmon ranching is a risky business. Only 1 percent of all salmon return to spawn. However, in Japan, researchers have found that improving the health of young salmon can double that figure. Indeed, biotechnology offers one of the greatest hopes for increasing seafood production. For example, one marine biologist has developed a species of lobster that weighs a pound within 20 months, instead of the usual five to eight years.

However, mariculture faces one major obstacle—the lack of private property rights. Without clearly stated property rights, those who introduce fingerlings or improved species into the wild will have no guarantee that they will be able to catch those fish at a later time. Without such assurances, their incentive is greatly reduced.

Fortunately, three states—Oregon, Alaska, and California—have recognized this problem and established property rights for salmon ranchers. In Alaska, once salmon reach a certain area, they become the property of the company that released them. Similar guarantees will be needed for other species if mariculture is to develop.

Impediments to Aquaculture

Traditional fishing cannot meet the world's growing demand for seafood. The oceans have a limited ability to produce fish and other seafood. Like agriculture before it, aquaculture offers the possibility of overcoming nature's limitations. Despite this, the aquaculture industry faces three serious obstacles: environmentalists, the government, and the industry itself.

Environmentalists have frequently lobbied for tighter restrictions on fishermen. In the early 1980s, environmentalists fought for a ban on commercial redfish landings. At the end of the decade, they demanded laws requiring turtle-excluder devices on shrimp boats. It would seem that environmentalists would welcome aquaculture, yet this is often not the case.

Some aquaculture enterprises use vast quantities of water, a fact which concerns many environmentalists. Fish feces, fertilizers and other chemicals used in aquaculture, environmentalists argue, can pollute waterways. Additionally, fish farms often attract wild animals, such as birds and raccoons, in search of food. To protect their property, owners often resort to shooting these animals, an action environmentalists condemn. Given the "greening" of America and the growing power of

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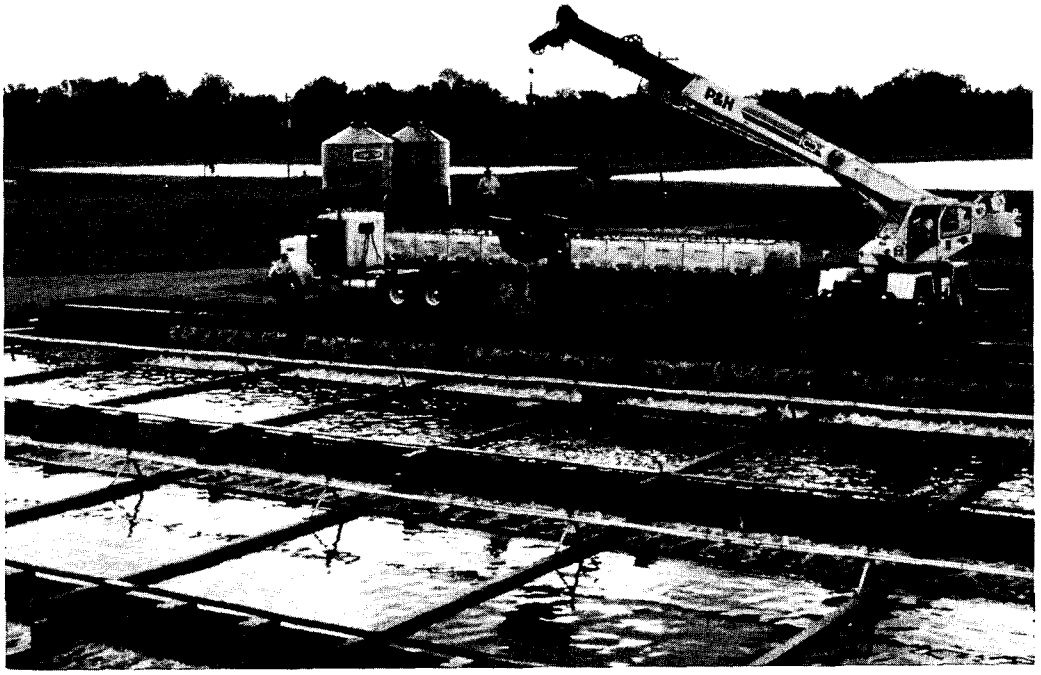

Catfish farming in Arkansas.

environmentalists, these objections pose a real threat to the industry.

Government, by both its action and inaction, will play a significant role in the success of the industry. Already, the agricultural departments in many states are heavily involved in regulating and/or promoting aquaculture. Controls on land and water use are so extensive in some areas that a prospective aquaculturist needs as many as 30 permits before he can begin operation.

However, government does have a legitimate role to play in aquaculture, particularly in mariculture. All industries depend on the recognition and protection of property rights. As the realm of man's productive efforts expands, government's proper role is the application of the principle of individual rights. Without this, new industries, such as mariculture, will be thwarted from the very beginning.

The most significant obstacle could be the industry itself. Many within the aquaculture industry welcome government intervention, just as farmers and fishermen have welcomed government intervention for years. Unlike beef, poultry, and pork products, seafood isn't subject to many government inspections. As ties between the industry and government become more cozy, the industry could ask for a government inspection program that would supplant private inspections. The result would be more government control.

In the meantime, aquaculture entrepreneurs are defying the wisdom of the experts in creating a new industry. They are transforming the fisherman from a hunter to a cultivator. They are finding more efficient ways to provide food and utilize resources. If allowed to operate in a free and open market, with clearly defined, enforceable property rights, all of us will benefit. □

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What Makes a Market?

by Ross C. Korves

Economists are quick to talk about markets, as if everyone knew what a market is and why markets exist. We talk about the corn market, the housing market, the insurance market, the baseball card market, and so on. Some people think of physical structures, some think of people shouting and yelling at each other, and others think of a list of little numbers on the business pages of the newspaper.

Recently some of my colleagues and I had lunch with a young economist from the Soviet Union. She had come to the United States to learn more about business institutions and how companies are organized. In the course of the conversation, we got around to the need for a market system within the Soviet Union so that communication can occur between producers and consumers. The prediction of Ludwig von Mises that socialism would fail because of the inability to calculate has come true, and changes are needed if the Soviets are to prosper. Even Communist economists from the Soviet Union see that.

Our guest agreed that markets are needed, but since none exist the government would have to create them. That sounded strange to me. How can a government create markets? We explained that markets develop spontaneously as people interact. As people freely act they sort out what they want and don't want, and they communicate these ideas back to suppliers. But she didn't appear to be able to grasp that markets spring up on their own. We mentioned the black market within her own country as an example of people creating a market as the need developed. That didn't seem to connect. She came back to the point that no markets existed, and the government would have to create them.

After a while, I concluded that the Soviet economist lacked an appreciation for freedom, particularly the freedom for individual consumers to communicate their wishes through a market system. Markets develop as hundreds and thousands of individuals make their wishes known. But Communism is a top-down system. Decisions on what to produce are made at the top, and consumers are forced to live with those decisions. The idea of consumer sovereignty doesn't exist. The more I thought about it, the more it became obvious that their consumers cannot be thought of as making decisions because in the Communist system there is no freedom. Individuals don't exist of and by themselves. Only the state exists, and people are just part of the larger system.

The freedom to act is fundamental to the development of a market. Some friends of mine are in the property casualty reinsurance business. Having had substantial claims as a result of Hurricane Hugo, they devised a way to calculate the additional coverage that would be needed if a similar catastrophe were to happen in the future. They took their proposal to "the market" and found that the reinsurance industry could easily understand what they were trying to do and quickly established a value on the activity. But without the freedom to act on an idea, and the freedom for others to react, there would be no market for that type of reinsurance.

This "market" that the reinsurer went to doesn't exist in a physical sense. There is no building. There was no group of people shouting at

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each other in a large pit. And I didn't find a listing of prices in *The Wall Street Journal* the following day. If the government had set out to create this market for reinsurance, there would have been nothing to create. It was all in the heads of the people who sought out the reinsurance and those who responded to that need. There were, eventually, papers to be signed and accounts to be established, but that came after the market was established. If this type of reinsurance becomes popular enough, something about it may eventually be listed daily on the financial pages. To go one step further, if this reinsurance became extremely common, maybe an insurance exchange building would be built to put all the people involved in this market in the same place to make market activity easier. A lot of business people and individual buyers would use the market. At that point, undoubtedly, some local, state, or federal government politician or agency would want to regulate the market to protect the participants from their own freedom of association.

I am not sure that the young Soviet economist ever grasped what we tried to explain about markets springing forth from the actions of individuals using their freedom to make choices. But I learned one more time that personal freedom is the basis for markets. Where there is no freedom, there are no markets, regardless of what a government may try to create. □

The First Civil Right Is Safety

by Scott C. Matthew

Just one block from the law school I attend, I cannot walk after dark. Experience shows that I would almost certainly be attacked. The local police now only warn people not to enter the area—they don't actually protect them. And what about the people who live there? It seems clear that something has gone very wrong.

The *core* function of government—the protection of the lives and property of its citizens—is being seriously neglected. More than that, government at all levels is run by people who no longer see that protection as the core function of government. Instead, government now concentrates on performing such tasks as propping up tobacco prices and sponsoring art exhibits.

Government can do only a few limited things at a time. Beyond a certain size and complexity, it begins to fail at all its tasks, and to damage all the interests it touches. Luckily, there are only a few functions that we need government to perform. Nationally, it must protect us from the aggression of foreigners. And locally it must protect us from aggression against ourselves and our property by other citizens. We need government to keep us safe. Without security in life and property, there is nothing else.

For the first 150 years of our nation's history, Americans used government to perform these

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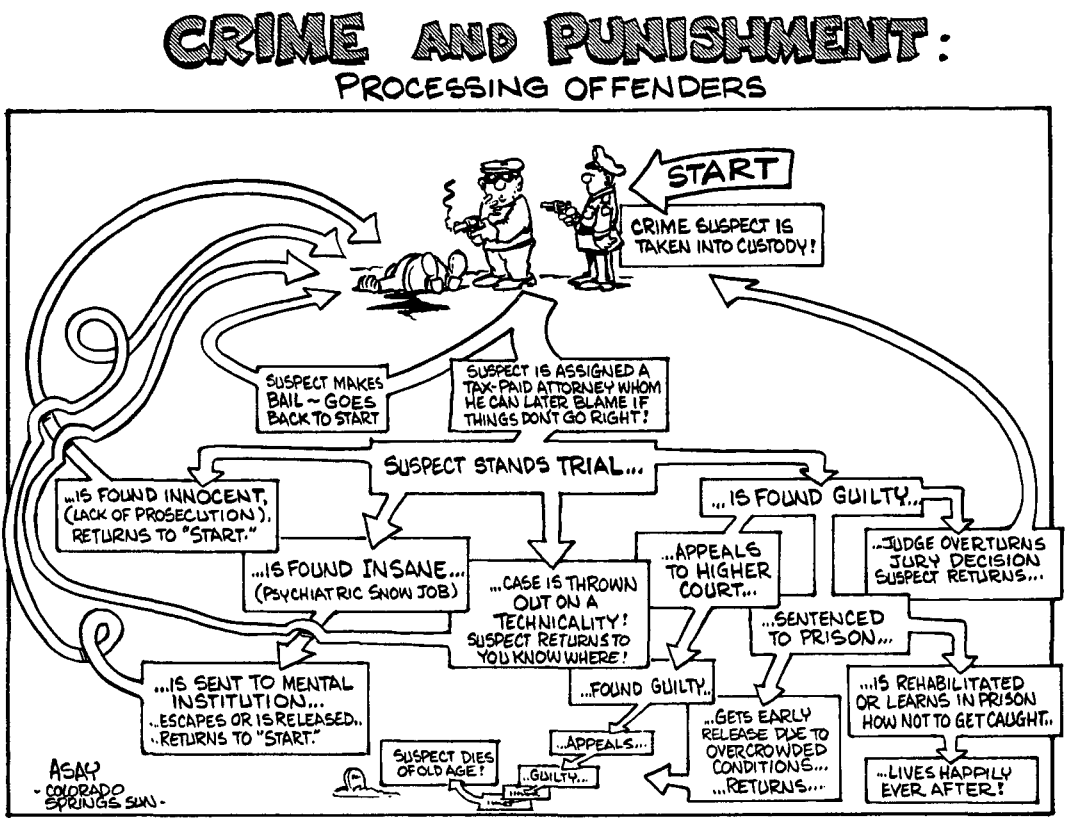
CRIME AND PUNISHMENT:
PROCESSING OFFENDERS
START
CRIME SUSPECT IS TAKEN INTO CUSTODY!
SUSPECT MAKES BAIL ~ GOES BACK TO START
SUSPECT IS ASSIGNED A TAX-PAID ATTORNEY WHOM HE CAN LATER BLAME IF THINGS DON'T GO RIGHT!
SUSPECT STANDS TRIAL...
...IS FOUND INNOCENT, (LACK OF PROSECUTION), RETURNS TO "START."
...IS FOUND INSANE... (PSYCHIATRIC SNOW JOB)
...CASE IS THROWN OUT ON A TECHNICALITY! SUSPECT RETURNS TO YOU KNOW WHERE!
...IS FOUND GUILTY...
...APPEALS TO HIGHER COURT...
...JUDGE OVERTURNS JURY DECISION SUSPECT RETURNS...
...SENTENCED TO PRISON...
...IS SENT TO MENTAL INSTITUTION... ..ESCAPES OR IS RELEASED.. ..RETURNS TO "START."
...FOUND GUILTY...
...IS REHABILITATED OR LEARNS IN PRISON HOW NOT TO GET CAUGHT...
...APPEALS...
...GETS EARLY RELEASE DUE TO OVERCROWDED CONDITIONS... ...RETURNS...
SUSPECT DIES OF OLD AGE!
...GUILTY...
...LIVES HAPPILY EVER AFTER!
ASAY
- COLORADO SPRINGS SUN -

core functions, and very little else. And it performed them quite well. Well enough, in fact, that many people concluded that government should also be able to perform lots of other tasks. But government can't grow food or sew clothing or build cars—it can only confiscate wealth from the people who create it. The only thing of real value that government can produce is security. It is a product which individuals are singularly poor at producing themselves.

Unfortunately, the attempt to get more from government did not mean that government would fail at only its new tasks. That would have been bad enough, for government "solutions" discourage private actions that could work toward solving society's problems. It also meant that government's limited talents and abilities would be stretched beyond the breaking point. And so government no longer performs its one, irreplaceable function—the protection of life and property.

What has been forgotten in this process of expanding government is that virtually all the gains society reaps from government come with the securing of life and property. Beyond that security, more produces less. As more tasks are assigned to government, it slowly begins to dissipate those large initial gains. America is approaching a middle area where government's failures outnumber, and outweigh in importance, its successes.

It seems today that everyone has a prescription for ways in which more government can make America a better place. Just one more law, one more program. But even if we could find the money and expertise to perform all these tasks well (which we cannot), the programs themselves would make us worse off. Asking government to perform these additional tasks—demanding that government compensate us for every bad break and insure us against our own failings—condemns us to fear and insecurity.

The average American pays 35 percent of his income in taxes. And he can't walk the streets at night. It is important to recognize that government doesn't need any more money to keep us safe. Government simply needs to concentrate on that task, and stop wasting our money on other things. □

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Rights, Law, and Morality

by Douglas B. Rasmussen

"Rights" are a moral concept, but they are different from other moral concepts. They have a unique function. Their function is not to secure directly the moral well-being of individuals. Rather, their function is to protect the self-directedness or autonomy of individual human beings and thereby secure the social condition under which individual human moral well-being can occur.

Rights provide guidance in the creation and interpretation of a legal system which protects individuals from being used by others for purposes to which they have not consented. Rights are used to determine what ought to be a law. They provide the normative basis of law but, unlike the moral virtues, they do not provide individuals with any guidance regarding what choices to make in the conduct of their daily lives. Regrettably, the unique function of the moral concept of "rights" is not recognized today, and there is much confusion regarding this concept. This confusion is especially manifested in the claim that people have "welfare" or "positive" rights—the claim, for example, that people have a right to a job, an education, a home, and medical care. There are no such rights. The concept of "welfare" or "positive" rights confuses the functions of law and morality and thus does damage to a proper understanding not only of rights, but of law and morality as well.

Law and morality are not entirely unconnected. Law must have a normative basis if it is ultimately to have authority, and so the attempt to make law entirely independent from morality is a mistake. But it is also a mistake to reduce the moral concepts that underlie law to those moral concepts which provide individuals guidance in the conduct of their lives. Yet, what is the fundamental difference between morality and law?

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Morality and Law

There is a fundamental difference between the concerns of morality and law, and an examination of the character of human moral well-being will reveal the basis for this difference.

1. *Morality.* The moral life is concerned with choices that necessarily involve the particular and the contingent. Knowledge of the moral virtues and true human goods may tell all of us what, abstractly speaking, we ought to do; but in the real world of individual human conduct, where all actions and goods are concrete, moral virtues and goods involve the particular and the contingent. This is why prudence—the use of reason by the individual person to determine what ought to be done in the concrete situation—is the cardinal virtue.

Determining what moral virtue and goods call for in terms of concrete actions in specific circumstances can vary from person to person, and certain virtues can have larger roles in the lives of some persons than in others. Determining the appropriate response to the situation faced is, therefore, what moral living is all about. A successful moral life is by its very nature something that is highly personal.

This, of course, is not to say that any choice one

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makes is as good as the next, but it is to say that the choice must be one's own and involve considerations that are unique to the individual. One person's moral well-being cannot be exchanged with another's. The good-for-me is not, and cannot be, the good-for-you. Human moral well-being is something objective, self-directed, and highly personal. It is not something abstract, collectively determined, or impersonal.

2. *Law.* Law, on the other hand, is neither concerned with determining the appropriate course of conduct for an individual in a specific circumstance nor with teaching him what he ought to do. Rather, law is concerned with the protection of the self-directedness or autonomy of individuals when they live among others. An examination of the character of human moral well-being will reveal why.

Before addressing the question of what people ought to think or how they ought to conduct themselves, an analysis of human moral well-being shows that people ought to act according to their own judgments. This is true, however, not because of the consequences but because of the character of human moral well-being. Self-directedness or autonomy is a necessary condition for and an operating condition of the pursuit and achievement of human moral well-being. It is necessary for *any* person undertaking *any* right action. It pertains to the very essence of human moral well-being and is, therefore, right for any individual regardless of the circumstances. The protection of self-directedness or autonomy must, then, be provided if human moral well-being is to occur socially. This point, of course, is of no great importance for determining personal conduct. A normative ethicist could not get very far with this information, but it is crucial for understanding the nature of law.

Since the self-directedness or autonomy of individuals *must* be protected if there is to be any possibility of their choosing as they ought, there needs to be an institution which protects the possibility of individuals being self-directed, an institution which states and enforces what *must* be the case.

The appropriateness of self-directedness or autonomy for human moral well-being is grasped only in abstraction from the specific virtues and concrete goods that a particular human being's intelligence determines as needed for the circumstances in which he finds himself. Thus, the institution whose aim is to protect the possibility of self-direction should not be concerned with what is good for some individuals relative to concrete situations.

Protecting the self-directedness or autonomy of individuals is a concern only of community life, and thus the institution that is concerned with protecting self-direction should be concerned only with establishing and enforcing rules of community life which prohibit forms of action that use people for purposes to which they haven't consented. It should not be concerned with teaching individuals how to attain their well-being.

An analysis of human moral well-being, therefore, shows that there needs to be an institution which is concerned with what must be the case for any and all individuals when they live together, an institution concerned with the protection of only those things that are universally and necessarily good for any and all people no matter what their concrete condition or circumstance. This institution is law. Its function is to protect the self-directedness or autonomy of individuals.

Confusing Law and Morality

Consider the claim that people have a right to a job, an education, a home, or medical care. These are goods or services which, when considered from an abstract perspective, are beneficial or appropriate for everyone. They ought to be created or achieved. Yet, this claim is not too helpful in providing guidance to the individual in a concrete situation. None of these goods exist in the abstract. How are they to be created or achieved? What kind of job, education, home, and medical care does one need? To what extent and in what amount are these to be pursued? How is the achievement of one of these goods to be related to the achievement of other goods? What is the proper "balance" or "mix"? These questions can be answered only by a consideration of the unique needs and circumstances of the individual, and the insight of the individual himself is crucial to determining the proper answer.

Yet, if persons have a right to these goods and services, then it is the responsibility of the administrators of the law to determine the answers to the foregoing questions. They must determine the type, extent, amount, and combination of these goods and services individuals are to have and how they are to be balanced with other goods. They

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must determine how individuals are to conduct themselves with respect to using these goods and services. Law, however, by its very character isn't suited for the task of determining what is good or appropriate for an individual in a concrete situation. Such specific knowledge cannot be a part of the law, or the law will lose its very nature.

Destruction of Morality and Law

Supposing that the law were to take on this function, what would be the effect on morality? What would be the moral worth of these goods and services? As every good parent knows, a child isn't mature unless he does what he ought to do in light of his own understanding of his well-being and what that calls for in the way of day-by-day conduct and behavior. Human moral well-being is active, not passive. Having the law attempt to determine what an adult's well-being requires destroys the moral worth of the provided goods and services. Even if the administrators of the law should, by luck, determine what is appropriate for an individual, the individual's own judgment hasn't been employed. Abstractly speaking, we may say that such goods and services are valuable, but in the real world of human conduct, they remain like works of art which have been provided to a man to enjoy at the price of him not using his senses.

An individual's judgment and effort are necessary not only for enjoying the values his well-being requires, but they are needed for the very existence of these values. The needed goods and services are to be created or achieved by an individual if they are to be morally worthwhile. Values and, more specifically, goods and services don't exist independent and apart from human cognition and effort. When we abstractly say that human well-being requires certain values, we are speaking of what is to be created or achieved by the cognition and effort of an individual human being, not merely what is to be distributed and enjoyed. The goods of human well-being are not found lying about like manna from heaven. These values cannot be values for an individual unless he has achieved them himself. The idea that the moral life is a life of self-actualization refers to the manner of actualization as well as the object.

This last point also is important when we consider what the claim that individuals have "welfare" or "positive" rights implies. If an individual has a right to these goods and services, then, as a matter of law, others *must* provide them. Other persons are to be used without their consent for the purpose of providing these "rights." Self-directedness or autonomy—the very condition that all persons need to have legally protected in order for them to have the possibility of attaining their moral well-being—must be denied if these "welfare" or "positive" rights are to be enforced. When the law is used as an instrument for using persons for purposes to which they have not consented, when it is used to take the time and resources from persons without their consent, then, most truly, the rights of individuals are violated. The very reason for law is destroyed.

The claim that people have a right to a job, an education, a home, and medical care confuses law and morality. Trying to have the law provide what only the moral judgment and conduct of an individual can provide separates morality from the moral agent. It destroys morality and, as Frederic Bastiat noted, it perverts the law and makes it the destroyer of what it is to protect. Only by obtaining a clear understanding of the nature of law and morality, and by developing a proper concept of "rights," will this situation change. □

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Freedom of Speech/ Freedom of Ownership

by Bill Anderson

Our city was recently in a mild uproar over the banning of the controversial Broadway musical *Oh! Calcutta!* The production's promoter wanted to bring the musical to Chattanooga; the publicly appointed review board for the Tivoli Theater said *Oh! Calcutta!* would violate the city's obscenity laws, and thus nixed its appearance.

What followed was the predictable spate of news stories, editorials, and letters to the editors of our two local papers. One editor declared that the city's review board was violating our rights to free speech; the other said *Oh! Calcutta!*, which does have some graphic nude scenes, was obscene and should be banned. Some readers agreed with the city officials, while others blamed Christian fundamentalists and other "prudes" who were serving as self-appointed "nannies" to Chattanooga theatergoers.

However, no one dealt with the primary problem: government ownership of the theater in question. The Tivoli is owned and operated by the Chattanooga city government, which means it is subsidized by tax dollars. Therefore, many taxpayers feel they have a right to decide what the theater management should be permitted to schedule. One paper tried to get around this by declaring that the city should permit *Oh!Calcutta!* to play, and allow patrons to decide for themselves whether they wanted to attend. While that may seem a Solomon-like compromise, the editor forgets that there are many people in Chattanooga who would have to subsidize that production through their taxes—something they wouldn't do if given a free choice. Thus, government encroaches upon their freedom in just as coercive a manner as it does when it engages in censorship.

This controversy is reminiscent of a similar episode last year. The movie *The Last Temptation of Christ*, which many persons believed was blasphemous, came to a local, privately owned theater. Yes, there were peaceful protests, and, yes, some people paid to attend. While many persons on both sides of the issue weren't completely satisfied, those who wanted to see the film paid to see it, and those wishing not to see it weren't forced to subsidize the showing.

Whether it is *Oh! Calcutta!* or graphic "art" by controversial photographers, public funding of arts and cinema—or anything else, for that matter—places our society in situations in which one group experiences total victory while others face total defeat. Unlike in the private sector, government decision-making is always yes or no; there is no middle ground. Simply put, because the private market deals in proportional as opposed to absolute outcomes, markets are better able to handle such matters.

Public tastes run the spectrum when it comes to "good" or "bad" art, which is why people should be allowed as wide a range of choice as possible. Public funding eliminates much of that choice while it invariably politicizes—and corrupts—art itself.

The best solution to the question of whether *Oh! Calcutta!* is obscene would be to return the Tivoli to private ownership. While that might not satisfy everyone in Chattanooga, it would give people the choice of either supporting or ignoring the production. This would be "artistic free expression" at its best. □

Mr. Anderson is executive director of the Chattanooga Manufacturers Association.

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Another World

by Richard L. Lesher

If it sometimes seems as if Federal bureaucrats inhabit a different world from the rest of us—it is because they do.

A case in point is the Federal Energy Regulatory Commission (FERC), an independent agency that among other things sets rates for transportation of natural gas, issues licenses for hydroelectric plants, sets rates for sale of electricity; and also sets rates for transportation of oil by pipeline.

FERC's work is highly technical, and the agency is forever hosting long-winded public hearings in which throngs of attorneys drone on and on as if they were being paid by the hour, which most of them probably are. It is a tedious business, but someone has to write every word down in black and white for lawyers to read.

Indeed, the importance of these FERC hearings is such that there is always a great demand for the transcripts which are about as thick as telephone books, and can sell for more than $6 per page. Not surprisingly, many private companies that specialize in such work would be very happy to transcribe FERC hearings at no charge to the agency. They know they can make ample profit selling transcripts to the public.

So it was that when the contract to transcribe FERC hearings came up for renewal last year, several firms submitted bids offering to do the work for nothing. But the firm that had been doing the work, Ace-Federal Reporters, took it one step further, offering to actually pay FERC about $7,900 per year for the privilege.

Now any private firm in that situation would jump at the offer, but FERC is a government agency living in another world. To the bureaucrats at FERC, the paltry $7,900 offered by Ace-Federal wasn't worth the trouble of handling it. FERC hastily rewrote its contract specifically to bar bonus bids. What followed next was a typical Washington free-for-all: Ace-Federal raised the ante, offering to pay FERC more than $1 million over the five-year life of the contract, FERC awarded the contract to another bidder, and Ace-Federal filed a lawsuit against FERC.

FERC insists it is within its legal rights to deny the contract to Ace-Federal, and it may be. But the core of the problem is the bureaucracy's indifference to economic reality. An extra $1 million or so means nothing to FERC. The money would actually go to the Treasury Department which, so far as FERC is concerned, might as well be another country. Also, FERC bureaucrats have nothing to gain by saving the agency money. To the contrary, it would make it more difficult for the agency to justify its annual demand for more funding from Congress.

The last I heard, FERC was in Federal court fighting tooth and nail to avoid having to accept more than a million dollars from a contractor. And if you can understand that mentality, then perhaps you can also understand why Uncle Sam can't get by on $1.2 trillion a year. □

Dr. Lesher is president of the U.S. Chamber of Commerce

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A REVIEWER'S
NOTEBOOK

Breaking With Communism

by John Chamberlain

Like Whittaker Chambers, Bertram D. Wolfe, when he broke finally with the Communist Party, did not return from hell empty handed. He and Jay Lovestone, as leaders of American Communism in the Twenties, spent years trying to convert Stalin to their idea that America was "different." All they had to show for their many trips to Moscow was expulsion from the party in 1929. But meanwhile Wolfe had had plenty of time to see how Communism worked, or didn't work. His experience made his first book on Russia, *Three Who Made a Revolution*, a triple biography of Lenin, Trotsky, and Stalin, a classic.

During the Thirties, when he was becoming an expert on Spanish and Latin American literature, Wolfe kept hoping for a reconciliation with Stalin. The Moscow purge trials disillusioned him, but not all at once. He worked on an autobiography, *A Life in Two Centuries*, which he left in a two-thirds finished state when he died in 1977 at the age of 81. The early reviewers of the book were left wondering how to date Wolfe's final conclusion that Communism would destroy human liberty if it were not vigorously opposed.

What was needed was a documentation of Wolfe's letters, speeches, and Voice of America scripts. Here is where Robert Hessen of the Hoover Institution at Stanford, California, stepped in. Poring through 61 linear feet of Wolfe material in the Hoover Institution archives, Hessen has, in effect, completed the Wolfe autobiography. His book is published as *Breaking With Communism: The Intellectual Odyssey of Bertram D. Wolfe* (Hoover Institution Press, 311 pages, $24.95 cloth, $18.95 paper).

Hessen warns his readers that Wolfe's most important friendships, with Sidney Hook, Edmund Wilson, and Stalin's daughter Svetlana Alliluyeva, leave barely a written trace. But there is enough written evidence in the Hoover archives to date Wolfe's break with Communism as coming on March 13, 1938. The bullet that ended the life of Lenin's favorite theorist Nikolai Bukharin ended Bert Wolfe's hopes that a peaceful world would ever be possible under Communism.

Bukharin had been one of the theoreticians who went along with Lenin in the NEP period, when capitalism had a brief recrudescence in the Russian countryside. On July 16, 1971, Wolfe wrote a letter to Stephen Cohen of Princeton detailing the way in which Stalin, a master of chess moves, managed to undermine Bukharin. Other letters to Cohen, who was writing a book on Bukharin, are equally revealing. To Cohen, Wolfe wrote that Bukharin, "the good Bolshevik," was the "most decent and humane of the Bolshevik leaders."

In a letter to Leonard Wilcox, Wolfe painted a masterly portrait of V. F. Calverton, who maintained an apartment on Morton Street in New York's Greenwich Village, where he staged brilliant parties that brought unorthodox manuscripts to his *Modern Monthly.* I lived just around the corner on Barrow Street, and had the good luck to be invited to the Calverton evening sessions and to the monthly luncheons at Teutonia Hall underneath the Third Avenue Elevated. The luncheons and dinners were mildly alcoholic. Discussions eventually became good *Modern Monthly* articles. Stuart Chase was one of Calverton's discoveries. Calverton would have disliked being called a capitalist, but he was a born entrepreneur who kept the left-of-center writers of the day from falling into rigid

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molds. If he had survived his leukemia I am sure he would have become a leader of a New Right.

In 1951 Bert Wolfe gravitated to work as a Voice of America script writer. One of his more notable coups was his revelation of the murder of the Polish army officers in the Soviet Katyn Forest. Germans insisted it had been done by the Russians. In this case the Germans happened to be right.

The diaries, letters, and newspaper clippings found on the dead bodies in the Katyn ended abruptly at a cold-weather date in 1940 when the Russians still held Katyn. Stalin asserted that the Polish officers were killed by Hitler's men in August 1941. Yet they were wearing cold weather clothes, and in no pocket was there a scrap of paper dating later than early May, when scarves are still welcome in the Katyn climate.

Eugene Lyons, writing in Don Levine's *Plain Talk* magazine for October 1949, was ahead of Wolfe's Voice of America account of the Katyn Forest murders. But *Plain Talk* had few readers; Wolfe was the first to bring it to the attention of thousands. The Soviets have now admitted that they did the killings. The May *Reader's Digest* has published a full account of the Katyn Massacre by a roving editor, Rudolph Chelminski, who first heard of it from his Polish-born father.

How Wolfe, an intelligent man, could have stayed with the Soviets for all those years of the Twenties and early Thirties may seem an insoluble mystery to many. But the Wolfe case was far from being unique. It was an emotional commitment to pacifism that brought Wolfe into the Far Left fold in World War I times. He stayed there, as did many others.

The nicest touch is added to this collection of Wolfe papers by editor Hessen, who quotes John Maynard Keynes as saying, "What do I do when I discover I am wrong? I change my mind. What do you do?" □

THE FARM FIASCO
by James Bovard

ICS Press, 243 Kearny Street, San Francisco, CA 94108 • 1989
356 pages • $18.95 cloth

Reviewed by Hannah Lapp

Beyond the traditionally romantic perception of American farming lies the reality of our inept Federal farm policy—the bureaucratic quagmire so disgusting that few people dare face it, much less get in and explore it. It's easier just to assume that somehow food and fiber will keep reaching our grocery store shelves, and to hope that the nation's farmers will keep doing their job, perhaps with a helping hand from the Feds. Enter James Bovard, who with his new book, *The Farm Fiasco*, has quickly earned himself the title of America's leading critic of Federal farm policy. He delves into the farm program labyrinth with the intent to conquer it, and actually comes through with his senses intact enough to enlighten the rest of us.

From Bovard, you won't hear sympathy for the good intentions of farm programs: farm policy is "trampling individual rights, sacrificing the poor to the rich," and harming farmers themselves, as well as consumers. No excuses for the hundreds of billions spent in farm programs over the past decades: the subsidies defeat their purpose by bungling markets for agricultural products and creating inefficient production methods on the farm. No apologies either for the U.S. Department of Agriculture and the political figures behind the whole chaos: most of them don't understand economics, and even those who do are too addicted to the power and money in farm programs to venture interrupting the flow.

The problem of dependence on subsidies by segments of American agriculture has not received the public attention it deserves—at least not before *The Farm Fiasco* came out. There hasn't been a general shortage of food, which gives consumers a sense of security in the status quo. The yearly billions spent by the government on agriculture don't alarm many taxpayers who have come to accept as truth the USDA's version of farmers as a welfare case and farm aid as serving to keep America fed. Meanwhile, the complaints arising from the farm sector itself are often interpreted as proof of the need for more subsidies rather than evidence of farm policy failure.

Still, the American public will allow itself to be misled only so far before people start asking questions. And present agricultural policy invites some very provocative questions, such as: "Why should tobacco production be subsidized?" "Why were millions of good milk cows suddenly ordered slaughtered one year?" "Why should the largest, wealthiest ag corporations receive the biggest share of handouts?" Or, "Why should certain individuals be paid to *not* farm?" Once the public

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becomes informed on these and other pertinent questions, a general outcry could erupt, for which some farmers, politicians, researchers, and consumer advocacy groups are already preparing themselves by joining in the protest against farm subsidies.

Bovard's book is a major contribution to this movement, particularly because of our need for accurate information on the subject. He has researched both the history and reasoning behind Federal meddling in agriculture, which he traces back to the early 1900s, and to which he accords a part in the severe depression of the 1930s. He details the chain-reaction economic consequences of government interference in production and marketing of agricultural goods, and the negative environmental impact of various crop programs. Farm policy, he asserts, is our perfect example of the failure of central planning.

Although Bovard's assault on the notion of farmers' deserving Federal handouts will be perceived by some as heartless, he is in many ways vocal in defense of agriculture. The free market, he contends, would do much better justice to agriculture as a whole, and particularly to independent farmers who in many cases have been trodden underfoot by farm programs. "Every dollar of aid the government gives welfare farmers," he says, "makes it more difficult for self-reliant farmers to prosper and survive."

Bovard overthrows the myths surrounding farm subsidies in extremely blunt terms. At times he is derisive, as when he questions the "learning curve" of USDA officials who feigned astonishment when the Dairy Termination Program's slaughter of nearly two million dairy cows in a few months' time severely disrupted the beef market. Often he is severe in his criticism, using such terms as "massacre of the innocents" and "schizophrenia" to describe various farm programs. At other times, the absurdities of USDA games with the marketplace evince themselves in a comical style. "In 1948," says Bovard, "the government spent $206 million buying a third of the potato crop. The government was soon buried in potatoes and ended up dashing them with kerosene and leaving them to rot in such places as alongside New Jersey highways. The nation was outraged, and in 1951 Congress abolished potato price supports. The USDA learned its lesson: Never again would it allow a surplus crop to rot near the highways of New Jersey."

Uncle Sam's great farm fiasco is not a pretty subject, and James Bovard doesn't attempt to word it nicely. What he does accomplish is to bring out the facts for public scrutiny in this extensively researched and documented book. □

Hannah Lapp is a dairy farmer and writer in Cassadaga, New York.

THE COMING SOVIET CRASH: GORBACHEV'S DESPERATE PURSUIT OF CREDIT IN WESTERN FINANCIAL MARKETS

by Judy Shelton

The Free Press, Front and Brown Streets, Riverside, NJ 08375 • 1989 • 246 pages • $22.50 cloth

Reviewed by Lawrence Person

For many years, it was said that capitalists would sell Communists the ropes for their own hanging. Now, however, it has become clear that the Soviets don't even have enough money to buy the rope. Still, despite the Soviet Union's worsening economic crisis, Mikhail Gorbachev doesn't seem overly concerned, and Judy Shelton shows why: The West seems willing not only to sell Gorbachev the rope, but to finance the sale as well.

The first section of this book, "The Financial Condition of the Soviet Union," is in many ways the most interesting. Using the Soviet Union's own statistics, Shelton shows that the Soviets have been running huge budget deficits for several years, despite their claims to the contrary. By issuing credits for state ventures that fail to meet their production quotas, Gosbank, the Soviet central bank, has created an annual budget deficit that is almost double that of the United States. In a Western economy, those deficits would likely give rise to spiraling inflation. However, because prices of many Soviet goods are fixed, that inflation takes the form of severe shortages of consumer goods.

Although the broad outlines of Soviet economic problems have been known for years, Shelton fills in a number of details about how the U.S.S.R. manages its deficit financing and how that financing affects Soviet citizens. Faced with an increasingly resentful population and an economy head-

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ing toward collapse, Gorbachev's perestroika plan attempts to stave off the crisis in two ways.

The first involves loosening the reins of central economic control. Local managers are to get more leeway in making hiring and firing decisions, and badly managed concerns are to be allowed to go bankrupt. While this probably will help increase the efficiency of some ventures, such a policy promises Soviet citizens only the down side of capitalism (bankruptcy and unemployment) without any of its benefits.

Since most Soviet citizens feel that they've already sacrificed enough for the benefit of the state, the second part of Gorbachev's perestroika plan is as vital as the first. By raising imports of Western goods, he hopes not only to modernize Soviet industry with Western technology, but also to increase the availability of consumer goods and placate the restive population. But such a strategy requires large amounts of hard currency to pay for those imports, since the ruble is Monopoly money on international currency markets.

In her second section, Shelton tells "How Moscow Acquires Outside Financing." Although previously barred from Western markets by the Soviet Union's default on money owed on Czarist loans and bonds, the Soviets recently negotiated favorable settlements on those debts with the English and Swiss governments. This, in turn, opened the door for borrowing from Western banks, and also cleared the way for the Soviets to issue their first Eurobond.

The Soviets obtain still more financing through foreign branches of the Moscow Bank, as their location provides a loophole for laws that bar credit to the Soviet Union itself. They also plan to get capitalist financing from their joint ventures with Western companies. Finally, although the Jackson-Vanik Amendment prohibits the federal government from issuing loans or credits to the Soviet Union, Gorbachev intends to circumvent that restriction by gaining admittance to the International Monetary Fund and World Bank.

Shelton finds all these developments disturbing, and with good reason. She argues that since money is fungible, lending the Soviets money to buy more butter also allows them to buy more guns. To that end, the last and shortest section of her book, "Guidelines for the West," provides eight general rules for dealing with the Soviets, including not trading economic assistance for political concessions and not becoming overly enchanted with either Gorbachev himself or his country's moves toward capitalism. Although advocates of laissez-faire trading policies will no doubt have quarrels with the idea of increasing government monitoring of international trade and finance, her suggestions for the most part are quite sound.

This book does have a few flaws, starting with its title. Though eye-catching, it would be somewhat misleading were it not for the more accurate subtitle. Indeed, although Shelton hints at a Soviet collapse, she never comes right out and predicts it, nor does she mention non-economic factors (such as ethnic dissent) that might contribute to a collapse. She also fails to more than touch on the many other problems of socialism that led the U.S.S.R. to its current economic malaise (though to be fair, the failures of central planning are so numerous and deep that entire books have been devoted to the subject).

More serious is the lack of statistics on Soviet military strength. Since the fungibility of capital is one of Shelton's key points, statistics on the growth and/or maintenance of Soviet force levels during Gorbachev's tenure might provide valuable reinforcement for her case. She also tends to overstate the Soviet Union's ability to copy Western technology successfully, stating at one point that "High quality products can be carefully copied, reproduced in quantity, and the knockoffs sold to foreign buyers as Soviet products"—ignoring the fact that the Soviet Union's technological infrastructure is so poor that in many cases they not only don't *have* the tools to build such products, they don't even have the tools to *build* the tools.

Still, these are minor flaws next to Shelton's overall achievement. Written in a clear and largely jargon-free style, *The Coming Soviet Crash* sheds considerable light on a heretofore unknown aspect of both Communist economies and East-West relations. As such, it should be required reading for businessmen thinking about working with the Soviets, and anyone else seeking the truth about glasnost and perestroika. □

Lawrence Person is a writer and editor in Austin, Texas.

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ECONOMICS AND THE ENVIRONMENT: A RECONCILIATION
edited by Walter Block

The Fraser Institute, 626 Bute Street, Vancouver, British Columbia, Canada V6E 3M1 • 1990 • 351 pages • $19.95 paper

Reviewed by William H. Peterson

Is the face of Marx turning from red to green? Strategically the global movement—one might almost say global steamroller—for environmentalism could be a way for socialism or central planning to preserve and perhaps even to expand the intellectual battle lost in the collapse of Communism in Eastern Europe.

This thought arises in a reading of current events, with America's $21 billion Clean Air Act of 1990 mirroring the costly White House-Congressional politics of environmentalism; with Cornell astrophysicist Carl Sagan barnstorming the country decrying "global warming"; with frenzied Green Parties springing up from Europe to Asia to Africa to North and South America, as cases in point.

It also arises in a reading of the revealing Fraser Institute production of a valuable work that says to the reader: "Hey! Wait a minute. Slow down. Reflect. Tailpipe emissions, for one thing, are cleaner by 96 percent since 1969. So no need whatsoever to throw out free enterprise with the acid-rain bath water."

The key, then, to this work lies in its subtitle, *A Reconciliation*. Fraser senior research fellow and editor Walter Block holds in his tone-setting contribution that ecology is really a branch of economics, even if he is willing to concede that economics just may be a branch of ecology.

The foundation of each is, or ought to be, private property rights. He accordingly says that ecological and economic costs are inseparable—two sides of the same coin. The two are intellectually indistinguishable insofar as our relations with nature are involved—but only if all costs are fully taken into account.

Maintains Block: The free enterprise system is based precisely on this cost-recouping premise, with no trespasses, poaching, or other violations of private property rights taking place. Free markets and not politicized bureaucrats should therefore call the environmental shots. Capitalism itself, in other words, has a cleansing action. He writes: "Which fuels are most ecologically friendly? Without a free market that generates prices reflective of relative scarcities and a private property rights system that forces all costs to be counted, we cannot rationally decide which courses of action are most economically or ecologically sound."

In a cute aside, Block notes the furor over cloth versus disposable plastic diapers. Yes, he observes, in purely economic terms, when the parent's time (the largest cost element in the decision) is taken into account, there is no contest. Disposables win hands down. But some environmentalists object vociferously. They contend: Plastic diapers are neither biodegradable nor recyclable, as are cloth diapers.

Block concedes that cloth diapers are recyclable, but rebuts that washing them implies soap for cleaning and bleach for disinfecting, which pose environmental threats of their own. Too, electricity is necessary for washing, drying, and ironing, which in turn requires oil, gas, hydro, coal, or nuclear power—or more ecological problems. In addition, there is the problem of disposing of the resultant dirty water with its human wastes. So, he argues, the price system with its business of trade-offs comes up with viable answers.

Naturally enough, Block finds strong support among his contributors. Montana State University economist Richard Stroup, for example, holds that risks from hazardous wastes are minimized through what he calls "3-D" property rights.

These are rights that are *defined* clearly, so as to reside with a particular person or private entity; *defended* readily against non-owners who might wish to use a property without permission or not pay a rent to the owner, or who might otherwise appropriate the rights of private property; and *divestible*, or transferable, by the owner to others on whatever terms are mutually satisfactory to buyer and seller or donor and donee.

But three-dimensional property rights in no way diminish the stewardship and conservation called for by sound ecology. Quite the contrary, the "tragedy of the commons" is precisely avoided through private ownership. Incentive-motivated Weyerhaeuser and International Paper, to cite two examples, are not going to "rape" their own private forests but rather conserve them in perpetuity for future generations, *à la* Adam

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Smith's Invisible Hand, through scientific tree-farming.

Nor is a private property rights system a one-way stream of benefits, Professor Stroup reminds us. Private property owners can miscalculate, they can incur unforeseen exigencies, they can also be sued, i.e., they are vulnerable to liability as when their property such as a truck inflicts injury or damages on others. Or again if, say, a chemical plant discharges toxic wastes into a river or the atmosphere, and thereby infringes on the rights and safety of others, the courts are duty-bound to grant injunctive relief to the plaintiff or plaintiffs.

This note on courts is vital to the argument of this book. Its contributors say over and over that free enterprise and sound ecology don't exist in a legal limbo—supply and demand function under the rule of law. They say the environment is better protected by law than legislation—a subtle but important distinction—stressing the ecological role of case and common law and of our third and much overlooked branch of government: the judiciary. □

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—Leonard E. Read

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—Sir Alexander Fleming, 1951

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